

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7237 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- ANDHRAMATH District- Madhubani

1. JITENDRA SINGH Son of Sukh Sagar Singh @ Natha Singh Resident of Village- Chhatapur, Ward No. -02, P.O. - Bharbhori, Police Station - Andhramath, District - Madhubani.
2. Shailendra Kumar Singh @ Babaji Son of Sukh Sagar Singh @ Natha Singh Resident of Village- Chhatapur, Ward No. -02, P.O. - Bharbhori, Police Station - Andhramath, District - Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Jha
For the Opposite Party/s : Mr.A.G

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners apprehend their arrest in connection with Andhramath P.S. Case No. 106 of 2020 registered for the offences punishable under Sections 272, 273, 414 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016 makes an explicit embargo on entertaining the application under Section 438 of the Cr.P.C.

Since the provision of Section 438 of the Cr.P.C. is

not applicable in respect of offences under the Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail application is dismissed as not maintainable.

If the petitioners surrender and seek regular bail before the Court below, the Court below shall consider the same on its own merit.

(Nawneet Kumar Pandey , J)

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