

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7196 of 2021

Arising Out of PS. Case No.-120 Year-2020 Thana- BARH District- Patna

RAVI RANJAN KUMAR SON OF SURENDRA SHARMA @ SULENDRA
MISTRI @ SURENDRA MISTRI R/O - BALIPUR, BARH BAZAAR, P.S.-
BARH, DISTRICT- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Pandey

For the Opposite Party/s : Mr.A.G.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 21-12-2021 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends his arrest for the

offences alleged under Sections 25(1-b) a/26 of the Arms Act

and Section 30(a) of the Bihar Prohibition and Excise Act, 2016,

registered in connection with Barh P.S.Case No. 120 of

2020(Special Case No. 2803/2020).

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 petitioner surrenders and seeks regular bail before the court below, the court below shall consider the same on its own merit.

Office shall ensure that all the defects are removed by the petitioner within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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