

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7205 of 2021

Arising Out of PS. Case No.-172 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

SHATRUDHAN RAI @ BUDHAN RAI SON OF BASKIT RAI R/O
VILLAGE- CHAKAIMA, P.S.- HAJIPUR SADAR, DISTRICT- VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

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

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

ORAL ORDER

2 16-12-2021 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 414 of the Indian Penal Code

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

registered in connection with Hajipur Sadar P.S.Case No. 172 of

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 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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