

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6981 of 2021

Arising Out of PS. Case No.-364 Year-2020 Thana- NAGAR District- Vaishali

=====

UMESH RAI S/O RAMA SHANKAR RAI R/O VILLAGE-DAK
BUNGLOW ROAD, P.S-TOWN HAJIPUR, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

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

=====

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

ORAL ORDER

2 15-12-2021 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 30, 30(a), 32(c) and 38(b) of the

Bihar Prohibition and Excise Act, 2016, registered in connection

with Hajipur Town P.S.Case No. 364 of 2020.

As per the allegation, the police recovered a huge

quantity of foreign liquor i.e. 5,610.78 litres.

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)

HR/-

U		T	
---	--	---	--

