

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7239 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- PURNEA SADAR District- Purnia

SANJEEV KUMAR THAKUR S/O MITHILESH KUMAR THAKUR  
PRESENTLY RESIDING AT HARIRAH, HARPAH BRAHARA KOTHI,  
P.S-K. KOTHI, DISTRICT-PURNEA. PERMANENT R/O RAJNI CHOWK,  
RAJA BARI, P.S- KHAJANCHI SAHAYAK, DISTRICT-PURNEA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Priyanka Singh

For the Opposite Party/s : Mr. Rajesh Kumar

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

ORAL ORDER

2      22-12-2021                      Heard learned counsel for the petitioner as well as the  
learned Additional Public Prosecutor for the State.

Learned counsel for the petitioner is directed to remove  
all the defects pointed out by the office within one month.

The petitioner apprehends his arrest in connection with  
Purnea (Sadar) P.S. Case No. 135 of 2020 registered for the  
offence punishable under sections 272, 273 of the Indian Penal  
Code and section 30 (a) of the Bihar Prohibition and Excise Act.

So far as the maintainability of the bail petition is  
concerned, 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.

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

**(Nawneet Kumar Pandey , J)**

Mahesh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

