

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6919 of 2021

Arising Out of PS. Case No.-301 Year-2020 Thana- ADAPUR District- East Champaran

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AMALDEO BHAGAT @ AMALDEO CHAURASIYA SON OF
NAGENDRA BHAGAT, RESIDENT OF VILLAGE - SHYAMPUR, P.S.-
ADAPUR, DIST.- EAST CHAMPARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma
For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 15-12-2021 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

Adapur P.S. Case No. 301 of 2020 registered for the offence

punishable under section 30 (a) of the Bihar Prohibition and

Excise Act.

The learned counsel for the petitioner has submitted

that the field from which 65 litres of country made liquor was

recovered, does not belong to the petitioner.

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)

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