

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8976 of 2021

Arising Out of PS. Case No.-102 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

RAHUL YADAV @ RAHUL KUMAR YADAV SON OF WAKIL YADAV
R/O VILLAGE- SARFAFAR (GAGRAJGANJ O.P.), P.S.- UDWANT
NAGAR, DISTRICT- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

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

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

ORAL ORDER

2 21-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehend his arrest in connection with
Excise Case No. 501 of 2020, arising out of Udwant Nagar P.S.
Case No.102 of 2020, registered for the offences punishable
under Section 30(a), 37(ii)(iii) of the Bihar Prohibition and
Excise Act, 2016.

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 surrender and seek regular bail before the Court below, the Court below shall consider the same on its own merit.

(Nawneet Kumar Pandey , J)

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