

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9016 of 2021

Arising Out of PS. Case No.-417 Year-2020 Thana- TARAIIYA District- Saran

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RAHUL KUMAR SON OF TUNTUN PRASAD, R/O VILLAGE-
SHAHNAWAZPUR, P.S.- TARAIIYA, DISTRICT- SARAN AT CHAPRA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dewendra Narayan Singh

For the Opposite Party/s : Mr. Bhanu Pratap Singh

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**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

Taraiya P.S. Case No. 417 of 2020 registered for the offence

punishable under 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)

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