

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8987 of 2021

Arising Out of PS. Case No.-163 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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CHAMRU PASWAN @ NARESH KUMAR Son of Manoj Paswan Resident
of Village - Naya Bazar Kabaiya Road Ward No.32, P.S.- Kabaiya, Dist.-
Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajive Ranjan Singh

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

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**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
Lakhisarai Government official Complaint Case No.163C2 of
2020, bearing P.R. Case No.38, registered for the offences
punishable under Section 30(a) of 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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