

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9052 of 2021

Arising Out of PS. Case No.-405 Year-2019 Thana- LALGANJ District- Vaishali

1. ANIL RAI Son of Jawahar Rai Resident of Village Sallempur, P.S. Lalganj, District - Vaishali.
2. Shiv Shankar Kumar Son of Suresh Rai Resident of Village Sallempur, P.S. Lalganj, District - Vaishali.
3. Suresh Rai Son of Late Ram Prit Rai Resident of Village Sallempur, P.S. Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Opposite Party/s : Mr.A.G

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

ORAL ORDER

2 21-12-2021 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, registered in connection with Lalganj P.S.Case No. 405 of 2019.

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.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided in para 1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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