

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9036 of 2021

Arising Out of PS. Case No.-4 Year-2020 Thana- THANA BIHPUR RAIL P.S. District-
Khagaria

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PANKAJ RAY @ PANKAJ KR. RAY Son of Late Daya Ray Resident of
Village - Babhangama, P.S.- Bihpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amrendra Kumar
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
Special ABA(Excise) No.89 of 2020, arising out of Thane
Bihpur Rail P.S. Case No.04 of 2020 G.R.® No.115 of 2020.

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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