

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9074 of 2021

Arising Out of PS. Case No.-365 Year-2019 Thana- BOCHAHAN District- Muzaffarpur

PRAMOD RAY son of Yogendra Ray @ Jogindar Ray, Resident of Village-
Rudahan Sanathi (wrongly mentioned as Karnpur Uttari Bochahan), P.S. -
Bochahan, District - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur
For the Opposite Party/s : Dr. Indihar Kumari

**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
Bochahan P.S. Case No. 365 of 2020 registered for the offence
punishable under sections 272, 273 of the Indian Penal Code
and 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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