

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9917 of 2021

Arising Out of PS. Case No.-112 Year-2012 Thana- TERHAGACHH District- Kishanganj

PELTU LAL BOSAK @ PINTU LAL BOSAK @ PINTU BOSAK Son of
Late Jangi Lal Bosak, Resident of Village - Bhoraha, P.s.- Tedhagachh,
Dist.- Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

**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
Tedhagachh P.S. Case No. 112 of 2020 registered for the offence
punishable under section 272 of the Indian Penal Code and
section 47 (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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