

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9933 of 2021

Arising Out of PS. Case No.-59 Year-2020 Thana- MASHRAK District- Saran

-
1. TUNNA SINGH @ MANORANJAN SINGH Son of Krishnkant Singh Resident of Village-Babu Ke Chhapiya, P.S.-Masrakh, District-Saran.
 2. Kishan Kumar Son of Basistha Singh Resident of Village-Babu Ke Chhapiya, P.S.-Masrakh, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devanand Tiwari

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

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

ORAL ORDER

3 22-12-2021 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners apprehend their arrest in connection with Masrakh P.S. Case No. 59 of 2020 registered for the offences punishable under Sections 147, 148, 149, 341, 323, 427, 379, 354(B), 504, 506 of the IPC and Section 37(C) of Bihar Prohibition and Excise Act, 2016 and Section 25(1-b)/A/26/27 of Arms Act.

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)

sanjeev/-

U		T	
---	--	---	--