

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10188 of 2021

Arising Out of PS. Case No.-222 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

UMESH RAI Son of Late Ramayan Rai Resident of Village - Ghoghraha,
Police Station - Mohammadpur, District - Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Singh

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

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

ORAL ORDER

2 22-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehend his arrest in connection with
Mohammadpur P.S. Case No. 222 of 2020, Gr. No.1173 of
2020, registered for the offences punishable under Section 30(a)
of Bihar Prohibition and Excise Act, 2016.

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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