

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2312 of 2022

Arising Out of PS. Case No.-169 Year-2019 Thana- SALIMPUR District- Patna

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NAND KISHORE RAI @ BABA @ NAND KISHORE Son of Late Hari Rai
Resident of Village- Jadhua, P.S.- Hajipur Sadar, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr.Narsingh Tanti

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

ORAL ORDER

2 04-08-2022 Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Salimpur P.S. Case No. 169 of 2019, registered for the offences
punishable under Sections 30(a), 32 (1) (2) (3), 41 (1) of the Bihar
Prohibition and Amendment Excise Act, 2018.

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 provided in para-1 hereinabove,
failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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