

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12067 of 2021

Arising Out of PS. Case No.-516 Year-2020 Thana- KAHALGAON District- Bhagalpur

1. ANIL SAH SON OF NARESH SAH R/o village- Maksaspur, P.S.- Kahalgaon, District- Bhagalpur
2. PANKAJ PAHADIA @ PANKAJ PAHADIA S/o Bndhan Pahadia R/o village- Maksaspur, P.S.- Kahalgaon, District- Bhagalpur
3. PARMESHWAR PAHADIA SON OF BUDDHAN PAHADIA @ NARAYAN PAHADIA R/o village- Maksaspur, P.S.- Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar Jha

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

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

3 05-01-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

By order dated 26.03.2021, the application as against petitioner no.2 stands dismissed as withdrawn.

Heard the learned counsel for the petitioner nos.1 and 3 and learned APP for the State through video conferencing.

The petitioner nos. 1 and 3 apprehend their arrest for the offences alleged under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, registered in connection with Kahalgaon P.S.Case No. 516 of 2020.



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 nos. 1 and 3 surrender and seek regular bail before the court below, the court below shall consider the same on its own merit.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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