

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.14138 of 2021**

Arising Out of PS. Case No.-89 Year-2020 Thana- DHANARUA District- Patna

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KAMESHWAR PRASAD Son of Late Kheshari Das @ Chamri Das Resident
of Village - Nawasichak, Makdumpur, P.S.- Dhanarua, Distt.- Patna.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajesh Ranjan, Adv.
For the Opposite Party/s : Mr. J.N. Thakur, APP

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

ORAL ORDER

2 11-01-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as the

learned APP for the State.

The petitioner apprehends his arrest in connection

with Dhanaura P.S. Case No. 89 of 2020, registered for the

offences punishable under Sections 30(a) of the 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 surrenders and seeks regular bail before the court below, the court below shall consider the same on its own merit.

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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