

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.13147 of 2021**

Arising Out of PS. Case No.-165 Year-2020 Thana- SASARAM MUFFSIL District- Rohtas

1. NIRAJ SINGH Son of Devendra Singh Resident of Village - Rampur, P.S. - Sasaram (M), District - Rohtas.
2. Rahul Singh @ Rahul Kumar Singh Son of Vinod Singh Resident of Village - Rampur, P.S. - Sasaram (M), District - Rohtas.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Siddharth Harsh
For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 07-01-2022 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 petitioners apprehend their arrest in connection with Sasaram Muffasil P.S. Case No. 165 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 petitioners 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 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)

SONALI/-

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

