

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3673 of 2022

Arising Out of PS. Case No.-522 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

1. CHHOTELAL SINGH Sonof Suresh Singh Resident of Village - Asni, P.S.- Udwanthnagar, Distt.- Bhojpur.
2. Dhanji Singh @ Vidha Sagar Son of Suresh Singh Resident of Village - Asni, P.S.- Udwanthnagar, Distt.- Bhojpur.
3. Vikash Singh Son of Suresh Singh Resident of Village - Asni, P.S.- Udwanthnagar, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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

ORAL ORDER

2 10-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Udwanthnagar P.S. Case No. 522 of 2021 registered for the offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

The learned counsel for the petitioners has submitted that nothing was recovered from the possession of the



petitioners, they were not arrested at the spot, they are neither driver or owner of the vehicle wherefrom the alleged liquor was recovered and they are the persons of clean antecedents.

Be that as it may, 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 before the court below and make a prayer for regular bail, that shall be disposed of without being prejudiced by this order.

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

(Nawneet Kumar Pandey, J)

Mahesh/-

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

