IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.14139 of 2021

Arising Out of PS. Case No.-549 Year-2018 Thana- HILSA District- Nalanda

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ANKIT KUMAR @ ANKIT S/O DAYA NAND SINGH RESIDENT OF VILLAGE KOLINDA, P.S-KHATRI NAGAR, DISTRICT-JHUNJHUNUN (RAJASTHAN).

... ... Petitioner

Versus

THE STATE OF BIHAR

... ... Opposite Party

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Appearance :
For the Petitioner/s : Mr.Manoj Kumar
For the Opposite Party/s : Mr.A.G

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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 Hilsa P.S. Case No. 549 of 2018, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and 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.

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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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