

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14207 of 2021

Arising Out of PS. Case No.-440 Year-2020 Thana- KANTI District- Muzaffarpur

BRINDA RAI @ VIRENDRA RAY Son of Kira Ray, Resident of Village-
Bangari, P.S.- Kanti (Panapur O.P.), District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar, Adv.
For the Opposite Party/s : Pronoti Singh, APP

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

ORAL ORDER

2 12-01-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through video
conferencing.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection with
Kanti (Panapur O.P.) P.S. Case No. 440 of 2020 registered for
the offence punishable under section 30 (a) of the Bihar
Prohibition and Excise Act.

The learned counsel for the petitioner has submitted
that the illicit liquor was recovered from the Community Hall,
which is not in possession of the petitioner. He has also



submitted that the petitioner is not resident of that village.

So far as the maintainability of the bail petition is concerned, 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.

The learned court below shall dispose of the regular bail petition of the petitioner if files and surrenders on the same date, if possible, on merit.

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

(Nawneet Kumar Pandey , J)

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