

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14146 of 2021

Arising Out of PS. Case No.-261 Year-2020 Thana- LAKHISARAI District- Lakhisarai

RITA DEVI Wife of Munna Saw, Resident of Village - Bazar Samati, P.S.-
Lakhisarai (Kabiya), District - Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Chandra
For the Opposite Party/s : Mr. Md. Matloob Rab

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

ORAL ORDER

3 17-01-2022 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 her arrest in connection with
Lakhisarai P.S. Case No. 261/2020 registered for the offence
punishable under section 30(d)/32(b) of the Bihar Prohibition
and Excise (Amendment) Act, 2018 and 2(e)/3/5/13 of the Bihar
Excise (Mahua Flower) Rules, 2006.

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.

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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