

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4785 of 2022

Arising Out of PS. Case No.-314 Year-2021 Thana- TAJPUR District- Samastipur

BRAJESH RAY S/o Jagdish Ray @ Jagdish Ram R/o village and P.O.- Chak
Sikandar, P.S.- Tajpur, District- Samastipur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar Singh
For the Opposite Party/s : Mr.Anita Kumari Singh

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

ORAL ORDER

2 22-08-2022 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
Tajpur P.S. Case No. 314 of 2021, registered for the offences
punishable under Sections 30(a), 41(1), 41(2) and 47 of the Bihar
Prohibition and Excise Act.

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 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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