

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11607 of 2021

Arising Out of PS. Case No.-115 Year-2020 Thana- BUDDHACOLONY District- Patna

SHUBHAM KUMAR S/o Umesh Prasad Singh Resident of C/o Surendra Prasad Mohanpur, Punaichak, P.S.- Shastri Nagar, District- Patna

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Mithlesh Kumar Khare

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

ORAL ORDER

5 21-06-2022 Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with Buddha Colony P.S. Case No. 115 of 2020, registered for the offences punishable under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Amendment 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.

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)

SONALI/-

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

