

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5781 of 2022

Arising Out of PS. Case No.-555 Year-2021 Thana- BUXAR District- Buxar

RAVINDRA KUMAR @ RAVINDRA KUMAR RAM S/o Late Baleshwar
Ram R/o Mohalla- Mathiya, P.S. - Buxar (T), Dist.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Dr. Kamal Deo Sharma, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

ORAL ORDER

2 24-08-2022 The learned counsel for the petitioner is directed to remove
all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Buxar (T) P.S. Case No. 555 of 2021 registered for the offence
punishable under section 30 (a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

The learned counsel for the petitioner has submitted
that no recovery has been made from the possession of the
petitioner and the alleged recovery of country-made liquor was
from an open place and for possessing that wine, co-accused
Deepak Kumar was arrested.

Be that as it may, 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 not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, it shall be disposed of on the same day without being prejudiced by this order.

With these observations, this criminal miscellaneous petition is disposed of.

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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