

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16946 of 2021

Arising Out of PS. Case No.-159 Year-2020 Thana- MADANPUR District- Aurangabad

KISHORI PRASAD @ KISHORI SINGH Son of Late Salik Mahto Resident
of Village - Suyggi, P.S.- Madanpur, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Sucheta Yadav

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

ORAL ORDER

2 19-01-2022 Heard the learned counsel for the petitioner and
learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the offences alleged under Sections 30(a) and 37(b) of the Bihar Prohibition and Excise Act, 2016, registered in connection with Madanpur P.S.Case No. 159 of 2020.

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.

(Nawneet Kumar Pandey, J)

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