

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15850 of 2021**

Arising Out of PS. Case No.-708 Year-2020 Thana- KHAGARIA District- Khagaria

MANISH KUMAR Son of Sulen Yadav, Resident of Village- Bari Kothiya,
P.S.- Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Sumiran Rai

For the Opposite Party/s : Mr. Binod Kumar

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

ORAL ORDER

2 18-01-2022 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 his arrest in connection with
Khagaria (Mufassil) P.S. Case No. 708/2020 registered for the
offence punishable under section 30(a) of the Bihar Prohibition
and Excise Act, 2018.

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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