

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15867 of 2021**

Arising Out of PS. Case No.-541 Year-2020 Thana- SIWAN MUFFASIL District- Siwan

RAJU RAM @ RAJU KUMAR RAM Son of Hiranman Ram, Resident of
Village - Bhatwaliya, Police Station - Siwan Mufassil, District - Siwan.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Adv.
For the Opposite Party/s : Mr. Braj Kishore Pd., APP

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

ORAL ORDER

3 02-02-2022 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
Siwan Mufassil P.S. Case No. 541 of 2020 registered for the
offence punishable under sections 272, 273 of the Indian Penal
Code and sections 30 (a), 41 (1) of the Bihar Prohibition and
Excise Act, 2016.

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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