

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15825 of 2021

Arising Out of PS. Case No.-281 Year-2020 Thana- KAUWAKOL District- Nawada

1. SHANKAR CHAUDHARY S/o Sukhdeo Chaudhary R/o village- Barraji,
P.S.- Kawakole, District- Nawada
2. BHOLA CHAUDHARY S/o Manik Chand Chaudhary R/o village- Barraji,
P.S.- Kawakole, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 17-01-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Learned counsel for the petitioners has submitted that the petitioner no.1 has been arrested during the pendency of the anticipatory bail application and, as such, the same has become infructuous. He, therefore, seeks permission to withdraw the application as against petitioner no.1.

Permission is accorded. The application is accordingly dismissed as withdrawn as having become infructuous as against petitioner no.1.

Heard the learned counsel for the petitioner no.2 and the learned APP for the State through video conferencing.

The petitioner no.2 apprehends his arrest for the offences alleged under Section 30(a) of the Bihar Prohibition



and Excise Act, 2016, registered in connection with Kawakole
Case No. 281 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 no.2 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 the defects are removed
by the petitioners within the stipulated time provided
hereinabove, failing which the matter shall be brought to the
notice of this Court.

(Nawneet Kumar Pandey, J)

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