

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(From The Official Chambers Via Video Conferencing)  
CRIMINAL MISCELLANEOUS No.16960 of 2021**

Arising Out of PS. Case No.-135 Year-2020 Thana- HATHAURI District- Samastipur

SHRAWAN KUMAR @ SHARAVAN KUMAR Son of Gauri Shankar  
Mandal @ Gauri Shankar Mahto Resident of Village- Dhobiyahi, Shivaje  
Nagar, P.S.- Hathauri, District- Samaastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Vinay Kumar Mishra

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

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

ORAL ORDER

2      20-01-2022                      Learned counsel for the petitioner is directed to  
remove all the defects pointed out by the Stamp Reporter within  
one month.

Heard learned counsel for the petitioner as well as the  
learned APP for the State.

The petitioner apprehends his arrest in connection  
with Hathauri P.S. Case No. 135 of 2020 arising out of Excise  
(G.R. No. 969 of 2020), registered for the offences punishable  
under Sections 30(a) of the Bihar Prohibition Excise Act, 2016.

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.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey , J)**

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