

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16888 of 2021**

Arising Out of PS. Case No.-569 Year-2020 Thana- SHASTRINAGAR District- Patna

NAND LAL KUMAR @ NAND LAL S/O SRI SHANKAR SAH @
SHANKAR SINGH R/V-PARORIYA, WARD NO.11, P.S-UJIYARPUR,
DISTRICT-SAMASTIPUR AT PRESENT R/O MOHALLA-PUNAICHAK,
NALAPAR, P.S-SHASTRI NAGAR, DISTRICT-PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha

For the Opposite Party/s : Dr. Mritunjaya Kumar Gautam, APP

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

ORAL ORDER

3 07-02-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

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 Section 30(a) of the Bihar Prohibition

and Excise Act, 2016, registered in connection with Special

Case No. 7303 of 2020, Shastri Nagar P.S.Case No. 569 of

2020.

A huge quantity of liquor was recovered from the

house of co-accused Rajesh Kumar Singh. He disclosed the



name of the petitioner, who became successful in fleeing away, as Nand Lal Kumar @ Nand Lal (petitioner). It has been argued that there is enmity between Rajesh Kumar Singh and the petitioner, but the details of enmity have not been furnished.

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 the defects are removed by the petitioner 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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