

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16953 of 2021

Arising Out of PS. Case No.-46 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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BIHARI YADAV Son of Ram Ayodhya Yadav Barharwa, P.S.- Dumariyaghat,
District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Awadhesh Kumar Singh

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**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 Sections 30(a), 32, 36 and 41(i) of the
Bihar Prohibition and Excise Act, 2016, registered in connection
with Excise Case No. 46 of 2020.

The learned counsel for the petitioner has submitted
that there is no evidence against the petitioner at all in the entire
case diary.

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. As such, the anticipatory bail petition is dismissed as not maintainable, but if the petitioner surrenders and seeks regular bail before the court below, his prayer for bail shall be considered and disposed of on the merits of the case after perusing the materials emerged during the course of investigation.

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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