

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18057 of 2021**

Arising Out of PS. Case No.-197 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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VIJAY KUMAR CHAUDHARY S/O SAHDEO CHAUDHARY Resident of
Bharhepur Ke Mathiya, P.S.- Ekma, District- Saran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar Tiwary
For the Opposite Party/s : Mr.A.G

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

ORAL ORDER

5 28-01-2022 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 through video conferencing.

The petitioner apprehends his arrest in connection
with Excise Case No. 197 of 2020, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
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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