

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8362 of 2022

Arising Out of PS. Case No.-194 Year-2021 Thana- AMAUR District- Purnia

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1. MD. ABRAR @ ABRAR @ IBRAR SON OF LATE KAFIL R/O VILLAGE- BAHURA WARD NO.7, P.S.- AMOUR, DISTRICT- PURNEA
 2. RAMJAN ALI SON OF LATE KAFIL R/O VILLAGE- BAHURA WARD NO.7, P.S.- AMOUR, DISTRICT- PURNEA

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 03-08-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Learned counsel for the petitioners has submitted that during the pendency of this petition, the petitioner No. 2 Ramjan Ali has been arrested and, as such, the anticipatory bail petition in his respect has become infructuous. He, therefore, seeks permission to withdraw this anticipatory bail petition in respect of petitioner No. 2.

In view of the aforesaid submission, the anticipatory bail petition in respect of petitioner No. 2 is dismissed as withdrawn as having become infructuous.



The petitioner No. 1 apprehends his arrest in connection with Amour P.S. Case No. 194 of 2021, registered for the offences punishable under Sections 272, 273 of the Indian Penal Code & Section 30 (a) of the Bihar Prohibition and Amendment Excise Act, 2018.

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 in respect of petitioner No. 1 is dismissed as not maintainable.

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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