

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8232 of 2022

Arising Out of PS. Case No.-83 Year-2021 Thana- JURAWANPUR District- Vaishali

SURENDRA RAI S/o Jatan Rai, R/o village- Sukumarpur, P.S.- Raghapur
(O.P., Rustampur), District- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prakash Chandra

For the Opposite Party/s : Mr.Md. Fahimuddin

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

ORAL ORDER

2 30-08-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Jurawanpur P.S. Case No. 83/2021 registered for the offence punishable under section 414 of the Indian Penal Code and section 30 (A) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The learned counsel for the petitioner has submitted that except confessional statement of co-accused, there is nothing against the petitioner. He has also submitted that the



petitioner is a person of clean antecedent.

Be that as it may, 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 not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail, it shall be disposed of on the same day without being prejudiced by this order.

With these observations, this criminal miscellaneous petition is disposed of.

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

(Nawneet Kumar Pandey, J)

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