

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9120 of 2022

Arising Out of PS. Case No.-366 Year-2021 Thana- VAISHALI District- Vaishali

RAKESH KUMAR SINGH @ RAKESH KUMAR S/o Krishna Ram Singh
@ Pesram Singh R/o Village- Rampur Horil, P.S.- Vaishali (Belsar O.P.),
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Rana Randhir Singh

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

ORAL ORDER

2 08-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

None appeared on behalf of the petitioner, despite
repeated calls.

The petitioner apprehends his arrest for the
offences alleged under Sections 272, 273 and 414 of the Indian
Penal Code and Sections 30(a), 32(ii), 34(ii), 38(ii) and 41(i) of
the Bihar Prohibition and Excise Act, registered in connection
with Vaishali (Belsar O.P.) P.S.Case No. 366 of 2021.

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, it shall consider and dispose of 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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