

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22223 of 2021

Arising Out of PS. Case No.-205 Year-2018 Thana- SONO District- Jamui

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RANJEET YADAV Son of Sahdev Yadav, Resident of Village - Belkhunda,
P.O.- Dhamaul, P.S.- Nawada Town, Distt.- Nawada-805101.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satya Prakash Parasar

For the Opposite Party/s : Mr. Anuj Kumar Srivastava

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

2 25-01-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through video

conferencing.

The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

The petitioner apprehends his arrest in connection with

Sono P.S. Case No. 205/2018 registered for the offence

punishable under section 272 and 273 of the Indian Penal Code

read with sections 30 (a) and 41 of the Bihar Prohibition and

Excise Act.

So far as the maintainability of the bail petition is

concerned, 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.

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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