

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22281 of 2021

Arising Out of PS. Case No.-4 Year-2021 Thana- HATHUA District- Gopalganj

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MANKESHWAR DUBEY @ MANJHIL SON OF SURENDRA DUBEY
Resident of Village - Hathua Pathak Toli, P.S.- Hathua, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam

For the Opposite Party/s : Mr. Arun Kumar Pandey

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

ORAL ORDER

2 25-01-2022 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioners and
learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the
offences alleged under Sections 328 and 120(B) of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act, 2016, registered in connection with Hathua P.S.Case
No. 04 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, the court below shall consider 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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