

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22198 of 2021

Arising Out of PS. Case No.-196 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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1. ABHISHEK KUMAR SON OF OM PRAKASH CHAUDHARY Resident of Village - Hathiyahi, P.S.- Piprakothi, Distt.- East Champaran.
 2. Om Prakash Chaudhary Son of Late Gajendra Chaudhary Resident of Village - Hathiyahi, P.S.- Piprakothi, Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar

For the Opposite Party/s : Mr.Akshay Lal Pandit

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

ORAL ORDER

4 07-02-2022 The learned counsel for the petitioners 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 petitioners apprehend their arrest for the offences alleged under Sections 30(a), 41(i) and 38 of the Bihar Prohibition and Excise Act, registered in connection with Excise Case No. 196 of 2020.

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 petitioners surrender and seek 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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