

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11621 of 2022**

Arising Out of PS. Case No.-323 Year-2021 Thana- SISWAN District- Siwan

ANUJ KUMAR CHAURASIYA SON OF VISHWAKARMA CHAURASIYA  
R/O VILLAGE- RAMGARH, P.S.- SISWA (CHAINPUR O.P.), DISTRICT-  
SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Alok Kumar Choudhary  
For the Opposite Party/s : Mr.Khurshid Anwar

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

ORAL ORDER

2      16-09-2022      Learned counsel for the petitioners is directed to remove  
all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the  
learned APP for the State.

The petitioners apprehend their arrest in connection with  
Siswan P.S. Case No. 323 of 2021, registered for the offences  
punishable under Sections 272, 273 of the Indian Penal Code and  
30(a)/36 of the Bihar Prohibition and Excise Act, 2016.

As per allegation, the petitioner fled away after throwing  
his bag. 360 ml of liquor was recovered from the bag.

Learned counsel for the petitioner has submitted that  
petitioner has falsely been implicated in this case and the recovery is  
meagre quantity of liquor.

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., as such, this anticipatory bail application is not maintainable.

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

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

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey, J)**

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