

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12940 of 2022

Arising Out of PS. Case No.-37 Year-2021 Thana- RAJEPUR District- East Champaran

1. PRAMOD RAM Son of Late Dhaneshwar Ram Resident of Village- Bhurkudwa, P.S.- Rajepur, District- East Champaran.
2. Raghubir Ram Son of Pramod Ram Resident of Village- Bhurkudwa, P.S.- Rajepur, District- East Champaran.
3. Amin Sahani Son of Ramfal Sahani Resident of Village- Bhurkudwa, P.S.- Rajepur, District- East Champaran.
4. Mahesh Ram Son of Garbhu Ram Resident of Village- Bhurkudwa, P.S.- Rajepur, District- East Champaran.
5. Upendra Ram Son of Pradeep Ram Resident of Village- Bhurkudwa, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar

For the Opposite Party/s : Mr.Sucheta Yadav

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

ORAL ORDER

2 27-09-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The learned counsel for the petitioners seeks permission to withdraw this anticipatory bail application as against petitioner no.1.

Permission is accorded. The application is accordingly **dismissed as withdrawn as against petitioner no.1.**

Petitioner nos. 2 to 5 apprehend their arrest for the offences alleged under Sections 272/273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016, registered in connection with Rajepur P.S.Case No. 37 of 2021.

As per allegation, ten litres of liquor and empty bottles were recovered from the hut of the petitioners.



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 as against petitioner nos. 2 to 5.

If petitioner nos. 2 to 5 surrender and seek regular bail before the court below, that shall be disposed of on its own merit on the same day, without being prejudiced by this order.

With these observations, the application stands disposed of.

Office shall ensure that all the defects are removed by the petitioners 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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