

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22197 of 2021

Arising Out of PS. Case No.-94 Year-2020 Thana- ANGARGHAT District- Samastipur

1. CHANDAN KUMAR @ CHANDAN RAY @ CHANDAN KUMAR RAY
S/o Pramod Ray R/o Village- Chaitya Uttari Tola, P.S.- Warisnagar, District-
Samastipur.
2. Chandan Kumar Ray @ Chandan Kumar @ Chandan Kumar Ray S/o
Naresh Ray @ Naresh Rai R/o- Village- Chaitya Uttari Tola, P.S.- Warisnagar,
District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

ORAL ORDER

3 27-01-2022 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 Section 30(a) of the Bihar Prohibition
and Excise Act, 2016, registered in connection with Angarghat
P.S.Case No. 94 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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