

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13615 of 2022**

Arising Out of PS. Case No.-324 Year-2021 Thana- KOTWA District- East Champaran

RAJU MAHTO Son of Bijali Mahto Resident of Village- Dipau, Dhangar
Toli, P.S.- Kotwa, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr.Karandeep Kumar
For the Opposite Party/s :	Mr.Arun Kumar
	Mr. Shailendra Kumar, App

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

ORAL ORDER

2 27-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection

with Kotwa P.S. Case No. 324 of 2021 registered for the offence

punishable under section 30 (a) (b) (c), 32 and 34 of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

The learned counsel for the petitioner has submitted

that the petitioner is a person of clean antecedent and only three

liters of liquor is alleged to have been recovered from the house

of the petitioner.



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.

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 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 without being prejudiced by this order.

With these observations, this petition is disposed of.

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

(Nawneet Kumar Pandey, J)

Mahesh/-

U		T	
---	--	---	--

