

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13958 of 2022

Arising Out of PS. Case No.-685 Year-2021 Thana- BARHARA District- Bhojpur

1. KRISHNA SINGH @ SRI KRISHN SINGH S/o Late Lalit Singh Resident of Village - Piparpanti, Police Station - Barahara (Krishnagarh), District - Bhojpur.
2. Amit Singh @ Amit Kumar Singh S/o Krishna Singh @ Sri Krishn Singh Resident of Village - Piparpanti, Police Station - Barahara (Krishnagarh), District - Bhojpur.
3. Guddu Singh S/o Krishna Singh @ Sri Krishn Singh Resident of Village - Piparpanti, Police Station - Barahara (Krishnagarh), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Mukesh Kumar Singh
		Mr. Vishwa Mohan Kumar Sinha
For the Opposite Party/s	:	Mr. Sanjay Kumar Tiwary

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 office within one month.

Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor for the State.

The petitioners apprehend their arrest in connection with Barahara (Krishanagarh) P.S. Case No. 685 of 2021 registered for the offence punishable under section 30 (a), 36 of the Bihar Prohibition and Excise Act.

As per allegation, when the police party was raiding in



the houses and other places. They got information that the petitioners Krishna Singh, Amit Singh and Guddu Singh along with other co-accused persons were carrying illicit liquor for distribution on the occasion of election. Krishna Singh, Amit Singh and Guddu Singh are supplier of the illicit liquor to bring it from Uttar Pradesh. They transport the illicit liquor by boat in night.

The learned counsel for the petitioners has submitted that the petitioners are the persons of clean antecedents. They were not arrested at the spot and their name has figured in confessional statement of co-accused Nandan Singh.

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 petitioners surrender before the court below and make a prayer for regular bail, that shall be disposed of on its own merit without being prejudiced by this order.

With these observations, this petition is disposed of.



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

