

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13967 of 2022

Arising Out of PS. Case No.-320 Year-2021 Thana- JAYNAGAR District- Madhubani

1. PRAMOD CHAUDHARY @ PRAMOD KUMAR @ PRAMOD KUMAR CHAUDHARY Son of Ram Loachan Chaudhary Resident of Village - Baluwa Tol, Baldiha, P.S.- Jaynagar, District - Madhubani.
2. Ghuran Chaudhary @ Ghuran Kumar @ Ghuran Kumar Chaudhary Son of Ram Loachan Chaudhary Resident of Village - Baluwa Tol, Baldiha, P.S.- Jaynagar, District - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Kumari Shubham
For the Opposite Party/s : Mr.Anant Kumar 1

**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 Jaynagar P.S. Case No. 320 of 2021 registered for the offence punishable under section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 585 litres of country made liquor and 59.460 litres of foreign liquor was recovered from the house



of the petitioner.

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.

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)

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