

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35624 of 2021

Arising Out of PS. Case No.-43 Year-2021 Thana- BARHARA District- Bhojpur

1. BADRI BIND Son of Late Mahesh Bind Resident of Village - Ghaghar, P.S.- Krishnagarh, Dist.- Bhojpur at Ara.
2. Tinku Bind Son of Badari Bind Resident of Village - Ghaghar, P.S.- Krishnagarh, Distt.- Bhojpur at Ara.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Malti Kumari

For the Opposite Party/s : Mr. Shailendra Kumar

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

ORAL ORDER

2 03-02-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State through video conferencing.

Learned counsel for the petitioner seeks permission to withdraw this anticipatory bail petition in respect of petitioner No. 1 as he has been arrested during pendency of this anticipatory bail petition.

Accordingly, the anticipatory bail petition is dismissed as withdrawn in respect of petitioner No. 1.

The petitioner No. 2 apprehends his arrest in



connection with Berhara (Krishnagarh O.P.) P.S. Case No. 43 of 2021, registered for the offences punishable under Sections 30(a) of the Bihar Prohibition and Excise Act.

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 petitioner surrenders and seeks regular bail before the court below, the court below shall consider the same on its own merit.

Office shall ensure that all defects are removed by the petitioners within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

SONALI/-

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

