

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19295 of 2022

Arising Out of PS. Case No.-259 Year-2020 Thana- BAKHARI District- Begusarai

DAYA RAM MAHTO S/o Sita Ram Mahto, Resident of Village- Bahorchak,
P.S.- Bakhri, Dist- Begusarai.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sabal Kumar Jha
For the Opposite Party/s : Mr.Kumar Ranjit Ranjan

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

ORAL ORDER

2 20-10-2022 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

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with

Bakhri P.S. Case No. 259/2020 registered for the offence

punishable under section 30 (a) of the Bihar Prohibition and

Excise Act, 2016.

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 dismissed, as not maintainable.

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)

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