

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28799 of 2021

Arising Out of PS. Case No.-563 Year-2019 Thana- AKBARPUR District- Nawada

1. NAVIN YADAV Son of Balmiki Yadav, Resident of Village - Mastanganj, Police station - Akbarpur, District - Nawada.
2. RAJENDRA YADAV Son of Rohan Yadav, Resident of Village - Mastanganj, Police station - Akbarpur, District - Nawada.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar

For the Opposite Party/s : Pronoti Singh

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

ORAL ORDER

2 29-01-2022 Heard the learned counsel for the petitioners as well as
Additional Public Prosecutor for the State.

The learned counsel for the petitioners is directed to remove all the defects pointed out by the office within one month.

The petitioners apprehend their arrest in connection with Akbarpur P.S. Case No. 563 of 2019 registered for offence punishable under sections 30 (a), 30 (d) of the Bihar Prohibition and Excise Act, 2016.

So far as the maintainability of the bail petition is concerned, 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 petitioners surrender and pray for regular bail, the court below shall consider it on its own merit without being prejudiced by this order.

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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