

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29732 of 2021

Arising Out of PS. Case No.-63 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Samastipur

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RITESH KUMAR RAY Son of Arbind Kumar Ray, Resident of Village -
Chaklalshahi, P.S. - Tajpur (Halai O.P.), District - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surya Narayan Roy
For the Opposite Party/s : Mr. Uday Pratap Singh

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

ORAL ORDER

2 31-01-2022 Heard the learned counsel for the petitioner as well

as Additional Public Prosecutor for the State through video

conferencing.

The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

The petitioner apprehends his arrest in connection with

Excise Case No. 63/2021 registered for the offence punishable

under section 30 (a) 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.

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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