

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23072 of 2022

Arising Out of PS. Case No.-370 Year-2021 Thana- SONO District- Jamui

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SURESH HASDA S/o Kishun Hasda R/o village- Teliya Chhorath, P.S.-
Sono, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.APP

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

ORAL ORDER

2 11-10-2022 None appeared on behalf of the petitioner, despite repeated calls. The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

The petitioner apprehends his arrest for the offences alleged under Sections 272 and 273 of the Indian Penal Code and Sections 30(a) and 30(c) of the Bihar Prohibition and Excise (Amendment) Act, 2018, registered in connection with Sono P.S.Case No. 370 of 2021.

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 the defects are removed by the petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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