

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23203 of 2022**

Arising Out of PS. Case No.-15 Year-2021 Thana- KURTHA District- Jehanabad

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RANJEET KUMAR @ RANJIT KUMAR Son of Satyendra Yadav, Village -
Garari Mathiya, P.O. - Telha, P.S. - Konch, District - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Santosh Kumar

For the Opposite Party/s : Mr.Damodar Prasad Tiwary

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

ORAL ORDER

2 20-05-2022 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 through video

conferencing.

The petitioner apprehends his arrest in connection with

Kurtha P.S. Case No. 15 of 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. If the petitioner surrenders before the court below and files regular bail petition, it shall be disposed of on the same day without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is only owner of the vehicle wherefrom the alleged liquor was recovered. He is a person of clean antecedent and he is in Army.

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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