

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31659 of 2021

Arising Out of PS. Case No.-16 Year-2021 Thana- KANTI District- Muzaffarpur

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ARUN RAI @ ARUN KUMAR SON OF SUBODH RAI Resident of Village
-Gawaspur, P.S.- Kathaiya, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 01-02-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehend his arrest in connection with Kanti P.S. Case No. 16 of 2021, registered for the offences punishable under Sections 272, 273, 120B of the Indian Penal code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

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 surrender and seek regular bail before the Court below, the Court below shall consider the same on its own merit.

(Nawneet Kumar Pandey , J)

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