

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24103 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- DIDARGANJ District- Patna

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MANGRU RAY SON OF LATE SATYA NARAYAN RAY, R/O-
DIDARGANJ PATNA CITY, P.S.- DIDARGANJ, DISTRICT- PATNA.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Promad Kumar Singh, Adv.

For the Opposite Party/s : Mr.Braj Kishore Pd.(APP)

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

ORAL ORDER

2 13-10-2022 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 the
learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with
Didarganj P.S. Case No. 62 of 2022 registered for the offence
punishable under sections 30 (a) / 36 of the Bihar Prohibition and
Excise (Amendment) Act, 2018.

Be that as it may, 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 not maintainable. Accordingly, it is **dismissed**.

If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of without being prejudiced by this order.

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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