

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24076 of 2022

Arising Out of PS. Case No.-562 Year-2021 Thana- PHULWARISHARIF District- Patna

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DABLU PASWAN @ RAJU PASWAN @ RAJIV PASWAN Son of Bhushan Paswan Resident of Mohalla - Rastriyaganj, Near North Sangat, P.S. - Phulwarisharif, District - Patna. At present village - Ranipur, P.S. - Phulwari Sharif, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 20-10-2022 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 Special Case No. 4348 of 2021, arising out of Phulwarisharif P.S. Case No. 562 of 2021, registered for the offence punishable under sections 30 (A)/36/41/51 of the Bihar Prohibition and Excise Act, 2016.

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 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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