

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.24066 of 2022**

Arising Out of PS. Case No.-28 Year-2020 Thana- BARH District- Patna

SHYAM KISHORE SINGH Son of Late Naresh Singh Resident of Village -  
Achuara, P.S.- Barh, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anil Kumar Singh  
For the Opposite Party/s : Mr.Ramesh Chandra

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

ORAL ORDER

2      12-10-2022                      The learned counsel for the petitioner is directed to  
  
remove all the defects pointed out by the Stamp Reporter within  
  
one month.

Heard the learned counsel for the petitioner and  
learned APP for the State.

The petitioner apprehends his arrest for the  
offences alleged under Section 30(a) of the Bihar Prohibition  
and Excise (Amendment) Act, 2018, registered in connection  
with Barh P.S.Case No. 28 of 2020.

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 and seeks regular bail before the court below, it shall consider and dispose of the same without being prejudiced by this order.

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)**

HR/-

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