

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.32894 of 2021**

Arising Out of PS. Case No.-42 Year-2019 Thana- AMAS District- Gaya

KEDAR YADAV Son of Late badri Yadav Resident of Village - Khairi, P.S.-  
Kashma, Distt.- Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Md. Javed Jafar Khan

For the Opposite Party/s : Mr.Anuj Kumar Shrivastava

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

ORAL ORDER

2      01-02-2022                      Learned counsel for the petitioner is directed to  
remove all the defects pointed out by the Stamp Reporter within  
one month.

Heard learned counsel for the petitioner as well as the  
learned APP for the State.

The petitioner apprehends his arrest in connection  
with Amas P.S. Case No. 42 of 2019, registered for the offences  
punishable under Sections 30(a) of the Bihar Prohibition and  
Amendment 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 surrenders and seeks regular bail before the court below, the court below shall consider the same on its own merit.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

**(Nawneet Kumar Pandey , J)**

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