

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24082 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- LADANIA District- Madhubani

SHAMBHU YADAV S/o Rajendra Yadav Resident of Village- Yogiya, P.S.-
Ladaniya, District- Madhubani.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Satyendra Narayan Singh

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

ORAL ORDER

2 13-10-2022 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 learned
APP for the State.

The petitioner apprehends his arrest in connection with
Ladaniya P.S. Case No. 49 of 2022, registered for the offences
punishable under Sections 272 and 273 of the Indian Penal Code and
30(a) of Bihar Prohibition and Excise Act.

Learned counsel for the petitioner has submitted that the
petitioner is a person of clean antecedent and his name has figured in
confessional statement of co-accused.

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., as



such, this anticipatory bail application is not maintainable.

The petitioner is directed to surrender before the court below and make a prayer for regular bail. If he files a petition for regular bail that shall be disposed of on the date of its filing without being prejudiced by this order.

With these observations, the criminal miscellaneous petition is disposed of.

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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