

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35117 of 2021**

Arising Out of PS. Case No.-571 Year-2020 Thana- CHAPRA TOWN District- Saran

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MUKESH RAI Son of Jagdish Rai, Resident of Village - East Dahiyawan,
P.S. - Chapra Town, District - Saran at Chapra (Bihar).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Opposite Party/s : Mr. Bishweshwar Ram

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

ORAL ORDER

3 10-02-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through video

conferencing.

The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

On last occasion, the prayer for adjournment of this

case was made by the learned counsel for the petitioner. Today

also, the same prayer has been made.

The case has been registered under sections 30(a)/41(i)

(ii) of the Bihar Prohibition and Excise Act.

So far as the maintainability of the bail petition is

concerned, 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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