

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.31667 of 2021**

Arising Out of PS. Case No.-11 Year-2020 Thana- MOTIHARI MUFASIL District- East  
Champaran

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BINOD RAM @ VINOD RAM Son of Late Nathuni Ram, Resident of  
Village - Said Nagar (Sednagar), P.S.- Muffasil Motihari, District - East  
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mr. Shailendra Kumar

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

ORAL ORDER

2      01-02-2022                      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.

The petitioner apprehends his arrest in connection with  
  
Motihari Muffasil P.S. Case No. 11 of 2020 registered for the  
  
offence punishable under sections 272, 273 of the Indian Penal  
  
Code and sections 30 (a), 37 (c) of the Bihar Prohibition and  
  
Excise Act, 2016.

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)**

Mahesh/-

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