

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35022 of 2021**

Arising Out of PS. Case No.-216 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Madhepura

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ABRENDRA KUMAR Son of Parmeshwari Prasad Yadav Resident of Village
- Bhadaul, Ward No.- 2, P.S.- Madhepura (Bharahi O.P.), Dist.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 02-02-2022 Heard learned counsel for the petitioner and learned
counsel for the State, through Video Conferencing.

The petitioner apprehend his arrest in connection with
Excise Case No. 216 of 2021 registered for the offences
punishable under Section 30(a) of Bihar Prohibition and 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 surrender and seek regular bail before the Court below, the Court below shall consider the same on its own merit.

(Nawneet Kumar Pandey , J)

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