

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.40844 of 2021**

Arising Out of PS. Case No.-422 Year-2020 Thana- DUMRA District- Sitamarhi

1. SUNIL SAHNI S/o Mahadeo Sahni Resident of Village- Lagma, P.S.- Dumra, District- Sitamarhi.
2. Sanjay Kumar S/o Subedar Mahto Resident of Village- Lagma, P.S.- Dumra, District- Sitamarhi.
3. Sunil Kumar S/o- Nagendra Paswan Resident of Village- Balua, P.S.- Dumra, District- Sitamarhi.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Krishna Murari

For the Opposite Party/s : Mr.Md. Nazir Ansari

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

ORAL ORDER

3      11-07-2022              Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

The petitioners apprehend their arrest in connection with Dumra P.S. Case No. 422 of 2020, 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 petitioners surrender and seek 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 petitioners 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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