

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30054 of 2022

Arising Out of PS. Case No.-501 Year-2021 Thana- SAKRA District- Muzaffarpur

1. VIKRAM KUMAR Son of Bali Ram Resident of Village - Basantpur Jhitkahi, P.s- Sakara, Distt.- Muzaffarpur.
2. Rinku Devi W/o Bali Ram Resident of Village - Basantpur Jhitkahi, P.s- Sakara, Distt.- Muzaffarpur.
3. Shiv Chandra Ram Son of Late Kamal Ram Resident of Village - Basantpur Jhitkahi, P.s- Sakara, Distt.- Muzaffarpur.
4. Jaya Devi W/o Shiv Chandra Ram Resident of Village - Basantpur Jhitkahi, P.s- Sakara, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hemant Kumar

For the Opposite Party/s : Mr.Lalan Kumar

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

ORAL ORDER

2 12-08-2022 The learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Learned counsel for the petitioners seeks permission to withdraw this application as against petitioner nos. 1 and 2.

Permission is accorded. The application **as against petitioner nos. 1 and 2 is accordingly dismissed as withdrawn.**

Petitioner nos. 3 and 4 apprehend their arrest for the offences alleged under Sections 147, 148, 149, 188, 342,



332, 233, 307, 353, 504 and 506 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018, registered in connection with Sakraa P.S.Case No. 501 of 2021.

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 petitioner nos. 3 and 4 surrender and seek regular bail before the court below, it shall consider and dispose of the same on its own merit.

Office shall ensure that all the defects are removed by the petitioners within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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