

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43427 of 2021

Arising Out of PS. Case No.-252 Year-2021 Thana- TURKAULIYA District- East
Champaran

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1. RAJA KUMAR @ RAJA SAHANI Son of Mahendra Sahani Resident of Village - Jhakhiya, P.S. Banjariya, District - East Champaran.
 2. Rahul Kumar Son of Bhagelu Sahani Resident of Village - Jhakhiya, P.S. Banjariya, District - East Champaran.
 3. Jitendera Kumar @ Jitendra Sahani Son of Late Ramjanam Sahani Resident of Village - Jhakhiya, P.S. Banjariya, District - East Champaran.
 4. Bhuwan Kumar @ Bhuwan Sahani Son of Durga Sahani Resident of Village - Jhakhiya, P.S. Banjariya, District - East Champaran.
 5. Ram Ekbal Kumar Sahani @ Ram Balak Sahani Son of Sri Bhagwan Sahani Resident of Village - Jhakhiya, P.S. Banjariya, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Mr.Umanath Mishra

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

ORAL ORDER

2 11-04-2022 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
Turkauliya (Banjariya) P.S. Case No. 252 of 2021, registered for the
offences punishable under Sections 272, 273, 34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act.

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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