

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44121 of 2021

Arising Out of PS. Case No.-221 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Siwan

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Rakesh Ram, Male, aged about 29 years, Son of Late Daroga Ram, Resident
of Village- Siyari, P.S.- Barhariya, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Navin Kumar Pandey, APP

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

ORAL ORDER

2 11-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as
the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with C-III P.S. Case No. 221 of 2021 registered for offence
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act., 2016.

Learned counsel for the petitioner has submitted that
the alleged liquor was recovered from the godown of co-
accused Manoj Singh, who fled away taking the benefit of dark.

Learned counsel for the petitioner has submitted that



the alleged liquor was recovered from co-accused Manoj Singh and not from Rakesh Ram.

Be that as it may, the provisions as per Section 76(2) of the Bihar Prohibition and Excise Act, 2016 and the provisions of Section 438 of the Code of Criminal Procedure, 1973 are not applicable in the cases under Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail application is not maintainable.

If the petitioner surrenders before the Court below and makes a prayer for regular bail, the learned Court below shall consider on the same day on its own merits, without being prejudiced by the order of this Court.

With these observations, this anticipatory bail application is being 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)

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