

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43390 of 2021**

Arising Out of PS. Case No.-56 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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1. Kanchan Kumar, Male, aged about 25 years.
 2. Munchun Kumar, Male, aged about 20 years.
Both are sons of Suresh Rai @ Suresh Ray, Resident of Village - Diwantok
Ward No.5, P.S.- Ganga Bridge, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mrityunjay Kumar, Advocate

For the Opposite Party/s : Mr. J. N. Thakur, APP

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

ORAL ORDER

2 08-04-2022 The learned counsel for the petitioners is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioners as well

as the learned Additional Public Prosecutor for the State through

video conferencing.

The petitioners apprehends their arrest in connection

with CNR No. BRVA010032442021 arising out of C2A No. 56

of 2021 registered for the offence punishable under Sections

30(a)/32(1) (2) and 41(1) of the Bihar Prohibition and Excise

Act, 2016.

So far as the maintainability of the bail petition is



concerned, 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.

Office shall ensure that all defects are removed by the petitioners 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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