

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44052 of 2021

Arising Out of PS. Case No.-128 Year-2021 Thana- DAUDNAGAR District- Aurangabad

MAMTA DEVI W/o Manoj Kumar Resident of Village - Shankar Bigha
(Near Umar Chak), P.S.- Daudnagar, Distt.- Aurangabad.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar Pandey

For the Opposite Party/s : Mr.Harendra Prasad

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

ORAL ORDER

2 11-04-2022 Learned counsel for the petitioner is directed to remove
all the defects pointed out by the Stamp Reporter within one month.

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

The petitioner apprehends his arrest in connection with
Daudnagar P.S. Case No. 128 of 2021, registered for the offences
punishable under Sections 30(a), 34, 37 (b) of the Bihar Prohibition
and Amendment 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 petitioner surrenders and seeks 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 petitioner 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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