

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44181 of 2021

Arising Out of PS. Case No.-106 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Vaishali

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Pintu Rai @ Pintu Yadav, Gender-Male, aged about 47 years, Son of Ram Shobhit Rai, Resident of Village - Dighi Kala Purvi, P.S.- Hajipur Sadar in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the Opposite Party/s : Mr. Parmanand Kumar, 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 and the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Vaishali C2A Case No. 106 of 2018 registered for offence punishable under Section 30(a) 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 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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