

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44190 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

Guddu Paswan, aged about 38 years, Gender-Male, Son of Banhai Paswan,
Resident of Village - Subhai, Rasul Chak, P.S.- Vaishali, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

**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 Gaighat P.S. Case No. 17 of 2021 registered for offence

punishable under Sections 272, 273, 420,467,468,471/34 of the

Indian Penal Code and Section 30(a), 41(i), 36 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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