

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45376 of 2021

Arising Out of PS. Case No.-105 Year-2020 Thana- KHUTAUNA District- Madhubani

DILIP YADAV @ DILIP YADAB S/o- Radhe Yadav Resident of Village -
Jatahi, P.S. - Khutauna, Dist. - Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Kalyan Shankar

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

ORAL ORDER

2 13-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehend his arrest for the offences

alleged under Sections 272, 273 and 414 of the Indian Penal

Code and Section 30(a) of the Bihar Prohibition and Excise Act,

registered in connection with Khutauna P.S.Case No. 105 of

2020.

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 the defects are removed by the petitioner within the stipulated time provided hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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