

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43415 of 2021**

Arising Out of PS. Case No.-68 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

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SADASHI YADAV @ SADASHIV YADAV Son of Damri Yadav, Resident of
Village - Basantpur Laxminiya, P.S.- Chanan, Distt.- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shaukat Alam
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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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 as well
as Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection
with Excise Case No. 68C2/2021 registered for the offence
punishable under sections 30 (a), 32, 41 and 56(a) of the Bihar
Prohibition and Excise (Amendment) Act, 2018.

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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