

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44071 of 2021

Arising Out of PS. Case No.-67 Year-2021 Thana- SIWAN MUFFASIL District- Siwan

1. CHUNCHUN PRASAD S/o Suresh Prasad R/o village- Sarsar, P.S.- Muffasil, Siwan, District- Siwan
2. Pankaj Kumar S/o Suresh Prasad R/o village- Sarsar, P.S.- Muffasil, Siwan, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ramchandra Sahni

For the Opposite Party/s : Ms.Asha Devi

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

ORAL ORDER

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

Heard the learned counsel for the petitioners and learned APP for the State.

The petitioners apprehend their arrest for the offences alleged under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), (4) (1) of the Bihar Prohibition and Excise Act, 2016, registered in connection with Siwan Muffasil P.S.Case No. 67 of 2021.

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 petitioners surrender and seek 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)

HR/-

U		T	
---	--	---	--

