

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44055 of 2021

Arising Out of PS. Case No.-466 Year-2020 Thana- DIGHA District- Patna

SHASHI KUMAR SINGH S/o Sri Prabhu Nath Singh R/o Kunti Villa
Apartment F2 Floor, Punam Gas Godam, Post- B.V. College, P.S.- Rajeev
Nagar, District- Patna, Bihar- 800014.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Apurv Harsh

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap

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

ORAL ORDER

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

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Digha P.S. Case No. 466 of 2020, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and Excise
(Revised) Act, 2018.

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 defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court. Learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

(Nawneet Kumar Pandey, J)

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