

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44215 of 2021**

Arising Out of PS. Case No.-1 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Araria

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FAJU SHEIKH S/o JAMRI SHEIKH R/o VILLAGE-BANGARIA BHOLA
DANGA, P.S.-NAKA SIPARA, DISTRICT- NADIA (WEST BENGAL).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Singh
For the Opposite Party/s : Mr. Binod Kumar

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

ORAL ORDER

2 12-04-2022 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

Special Case No. 31 of 2020, arising out of Sadar Anchal
(Circle) Araria Excise Case No. 1 of 2020 registered for the
offence punishable under sections 30 (a), 32 (3), 33, 38 and 41
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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