

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45354 of 2021

Arising Out of PS. Case No.-101 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

=====

Ravi Raushan Paswan @ Ravi Raushan Kumar, aged about 22 years, Gender- Male, Son of Late Rama Shankar Paswan, Resident of Village - Susta Madhopur, Phulwari Tola, Police Station - Manihari, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ravi Nandan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

=====

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 office within one month.

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Excise Case No. 101 of 2021 (arising out of P.R. No. 10 of 2021) registered for offence punishable under Sections 30(a) 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)

Anand Kr.

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

