

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45981 of 2021

Arising Out of PS. Case No.-142 Year-2021 Thana- DAUDNAGAR District- Aurangabad

VINAY SINGH @ BINAY SINGH, S/O LATE BANGALI SINGH R/o
Mohalla- New Area Chittarnagar, P.S.- Aurangabad Nagar, District-
Aurangabad

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Parmanand Kumar

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

ORAL ORDER

2 26-04-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter

within one month.

Heard the learned counsel for the petitioner as well

as the Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection

with Daudnagar P. S. Case No. 142 of 2021, registered for

the offences under Sections 279 and 427 of the Indian Penal

Code and Sections 30(a), 34 and 36 of the Bihar Prohibition

and Excise Act.

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 the 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.

(Nawneet Kumar Pandey, J)

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