

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44212 of 2021**

Arising Out of PS. Case No.-282 Year-2021 Thana- KOILWAR District- Bhojpur

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RAVI KUMAR S/o LAL BABU PRASAD R/o VILLAGE-DHANDIHA, P.S-
KOILWAR, DISTRICT-BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad

For the Opposite Party/s : Mr.Surendra Prasad Singh

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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 Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends his arrest for the

offences alleged under Section 30(a) of the Bihar Prohibition

and Excise Act, registered in connection with Koilwar P.S.Case

No. 282 of 2021 (Excise Case No.1196/2021).

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 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 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)

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