

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45308 of 2021

Arising Out of PS. Case No.-5 Year-2021 Thana- BALRAMPUR District- Katihar

CHANDRA KISHORE PURVEY @ CHANDRA KISHORE PURVE S/o
SHRI DAROGI PURBEY R/o VILLAGE-PURBEY TOLA, KAMAT
KISHUNGANJ, MOHAMMADGANJ, P.S- CHHATAPUR, DISTRICT-
KATIHAR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Murari Narain Chaudhary

For the Opposite Party/s : Mr. Shailendra Jkumar

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

ORAL ORDER

5 20-05-2022 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 through video conferencing.

The petitioner apprehends his arrest for the

offences alleged under Section of the Bihar Prohibition and

Excise Act, 2016, registered in connection with Balrampur

P.S.Case No. 05 of 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, it shall consider and dispose of the same on its own merit without being prejudiced by this order.

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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