

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47848 of 2021

Arising Out of PS. Case No.-56 Year-2021 Thana- DURGAWATI District- Kaimur (Bhabua)

SAROJ KUMAR S/o Pitambar Sah R/o village- Amethi, P.S.- Nokha,
District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh

For the Opposite Party/s : Mr.Rajesh Kumar

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

ORAL ORDER

2 17-05-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

The petitioner apprehends his arrest in connection with Durgawati P.S. Case no. 56 of 2021 registered under sections 414, 467, 468, 471/34 of the Indian Penal Code and section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

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 offence under Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail application is dismissed as not maintainable.

If the petitioner surrenders before the court below and prays for regular bail, his regular bail application shall be considered on its own merits without being prejudiced by this order. The learned court below may also take notice of the fact that the name of the petitioner has been figured in the confessional statement of co-accused and the petitioner is person of clean antecedents.

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)

s.hassan/-

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