

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47870 of 2021

Arising Out of PS. Case No.-307 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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ANKIT KUMAR S/o Kamlesh Kumar Singh, R/o Village - Somnaha, Ward
No. -6, P.S. - Chakmehsi, Dist. - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dilip Kumar Roy
For the Opposite Party/s : Mr. Mohammed Arif

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

ORAL ORDER

2 18-05-2022 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 as well as

Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with

Darbhanga P.S. Case No. 307 of 2020 registered for the offence

punishable under section 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. If the petitioner surrenders and files regular bail petition, it shall be considered on its own merit without being prejudiced by this order. The learned court below will also take notice of the fact that the petitioner is a person of clean antecedent and he is a bona fide owner of the vehicle wherefrom the liquor was recovered.

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)

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