

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47080 of 2021

Arising Out of PS. Case No.-117 Year-2021 Thana- BIRAUL District- Darbhanga

BAUA SAHU @ BAUA LAL SAHU @ BAUAALAL SAHU S/O
MAHAVIR SAHU R/o village- Ghoghsar, P.O. and P.S.- Biraul, District-
Darbhanga

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shailesh Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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

The petitioner apprehend his arrest for the offences
alleged under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016, registered in connection with Biraul P.S.Case No.
117 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, the court below shall consider the same on its own merit, without being prejudiced by this order. The learned court below may also take notice of the fact that the alleged recovery was made from behind a *Panchayat Bhawan*.

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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