

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47097 of 2021

Arising Out of PS. Case No.-15 Year-2021 Thana- KURTHA District- Jehanabad

SHRIKANT KUMAR YADAV @ SHRIKANT YADAV Son of Ranjit Yadav
Resident of Village- Suryamal Bigha (Dharnai), P.S.- Banshi, District- Arwal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Paras Nath

For the Opposite Party/s : Mr. J.N. Thakur

**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 Excise Case no. 114 of 2021 arising out of Kurtha P.S.
Case no. 15 of 2021 registered under 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 disposed of without being prejudiced by this order. The learned court below may also take notice of the fact that name of the petitioner has 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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