

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47866 of 2021

Arising Out of PS. Case No.-741 Year-2019 Thana- AHYAPUR District- Muzaffarpur

PAPPU SAHANI @ SHASHI PRAKASH CHAUDHARY S/o Suresh Chaudhary @ Shiv Jee Sahani, Resident of Village - Harpur, P.S. - Pusa, District - Samastipur, at present resident of Village - Shekhpur Dhab, P.S. - Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Chandra Shekhar Anand

For the Opposite Party/s : Mr.Shantanu Kumar

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

ORAL ORDER

3 06-07-2022 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 the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with Ahiyapur P.S. Case No. 741 of 2019 registered for the offence punishable under sections 30(a)/30(b)/30(c)/34/36/54 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.

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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