

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47838 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

VIJAY RAI @ VIJAY KUMAR @ PRASHANT KUMAR Son of Late Vidya
Rai R/o Village- Ghoghraha, P.S.- Mahmmadpur, District- Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Manoj Kumar

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

ORAL ORDER

2 10-02-2022 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 as well as the

learned APP for the State through video conferencing.

The petitioner apprehends his arrest in connection

with Mohammadpur P.S. Case No. 222 of 2020, registered for

the offences punishable under Section 30 (A) of Bihar

Prohibition and Excise Act, 2016.

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.

Office shall ensure that all defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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