

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48064 of 2021

Arising Out of PS. Case No.-21 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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AMARJEET YADAV Son of Ram Mohan Yadav, Resident of Village -
Kumbhi, Police Station - Cheriya Bariarpur, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar

For the Opposite Party/s : Mr.Bishweshwar Ram

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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

Cheriya Bariarpur P.S. Case No. 21/2021 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 before the court below and files regular bail petition, his petition shall be considered on its own merit without being prejudiced by this order.

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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