

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48516 of 2021

Arising Out of PS. Case No.-193 Year-2021 Thana- KOCHADHAMAN District- Kishanganj

CHHOTKI @ LATOMAI MURMU Wife of Tala Hansda @ Tala Soren
Resident of village Mahsangoan, Katamata P.S. - Kochadhaman, District -
Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar

For the Opposite Party/s : Mr.Pushpa Sinha.1

**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 Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and

learned APP for the State.

The petitioner apprehends her arrest for the

offences alleged under Section 30(a) of the Bihar Prohibition

and Excise Act, 2016, registered in connection with

Kochadhaman P.S.Case No. 193 of 2021 (Special Case No. 238

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 and dispose of the same on same day. The learned court below may also take notice of the fact that the petitioner is a lady and she has clean antecedents.

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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