

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53832 of 2021

Arising Out of PS. Case No.-197 Year-2017 Thana- RAGHUNATHPUR District- Siwan

BALAVANT SINGH S/o SHESH NATH SINGH R/o VILLAGE-
BASOPATTI, P.S-BANKATA, DISTRICT-DEORIA (U.P.).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shailendra Kumar Dwivedi

For the Opposite Party/s : Mr.Rajesh 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 Raghunathpur Case No. 197 of 2017, registered for the offences punishable under Sections 272, 273 and 308 of Indian Penal Code as well as sections 30, 38 and 41 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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