

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56555 of 2021**

Arising Out of PS. Case No.-51 Year-2021 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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KUNAL SINGH @ KUNAL KUMAR S/o- RANJAN SINGH Resident of
Village- Bari Aghu, P.S.- Muffasil, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bipin Kumar
For the Opposite Party/s : Mr.Renu Kumari

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

ORAL ORDER

2 28-06-2022 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 apprehend his arrest for the offences

alleged under Section 120 of the Indian Penal Code and

Sections 30(a), 32, and 41(1) of the Bihar Prohibition and

Excise (Amendment) Act, 2018, registered in connection with

Begusarai Muffasil P.S.Case No. 51 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, it shall consider and dispose of the same on its own merit.

Office shall ensure that all the 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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