

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57208 of 2021

Arising Out of PS. Case No.-297 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. MOIN Son of Late Md. Taslim Resident of Village- Dagarua, P.S-
Dagarua, District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Buxi SRP Sinha, Sr. Advocate Mr. Nitesh Kumar Mr.Md. Hussain
For the Opposite Party/s :		Mr.Satya Nand Shukla

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

ORAL ORDER

3 18-07-2022 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 his arrest for the

offences alleged under Sections 274, 275 and 276 of the Indian

Penal Code, Sections 27(b) II/28/27 (D) of Drugs and Cosmetic

Act, 21(c) of the NDPS Act, 1940 and Section 30(a) of the

Bihar Prohibition and Excise Act, 2016, registered in connection

with Purnia Sadar P.S.Case No. 297 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 surrender and seeks regular bail before the court below, it shall be disposed of on its own merit, without being prejudiced by this order.

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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