

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56710 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

PRINCE SINGH @ PRINCE KUMAR Son of Late Bachcha Singh Resident of Village - Thega Dih, P.S.- Kartaha, District - Vaishali at Hajipur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 62331 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAM KUMAR SINGH Son of Vashishth Singh Resident of Village - Thegadiah, P.S.- Kartahan, District - Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

with

CRIMINAL MISCELLANEOUS No. 67990 of 2021

Arising Out of PS. Case No.-17 Year-2021 Thana- GAIGHAT District- Muzaffarpur

RAJESH RANJAN @ PAHARI @ RAJESH KUMAR SINGH S/o Sital Singh R/o- Bithauli, P.S.- Bhagwanpur, District- Vaishali at Hajipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

(In CRIMINAL MISCELLANEOUS No. 56710 of 2021)

For the Petitioner/s : Mr.Sachin Kumar

For the Opposite Party/s : Mr.Renuka Ratnakar

(In CRIMINAL MISCELLANEOUS No. 62331 of 2021)

For the Petitioner/s : Mr.Sunil Kumar

For the Opposite Party/s : Mr.Veena Rani Prasad

(In CRIMINAL MISCELLANEOUS No. 67990 of 2021)

For the Petitioner/s : Mr.Niranjan Parihar

For the Opposite Party/s : Mr.A.G



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

ORAL ORDER

2 20-05-2022 Learned counsel for the petitioners is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioners as well as the learned APP for the State.

The petitioners apprehend their arrest in connection with Gaighat P.S. Case No. 17 of 2021, registered for the offences punishable under Sections 272, 273, 420, 467, 468, 471/34 of the Indian Penal Code and Section 30(a), 41(i)/36 of Bihar Prohibition & Excise Amendment Act, 2018.

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, these anticipatory bail petitions are dismissed as not maintainable.

If the petitioners surrender before the court below and make prayer for regular bail that shall be disposed of without being prejudiced by this order. The learned court below may take notice of the fact that the name of the petitioners have been



figured in the confessional statement of the co-accused and the petitioners have no criminal antecedents.

Office shall ensure that all defects are removed by the petitioners 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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