

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61357 of 2021

Arising Out of PS. Case No.-174 Year-2021 Thana- PALIGANJ District- Patna

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DHANANJAY KUMAR @ HIMANSHU KUMAR Son of Late Raj Kumar
Yadav Resident of Village- Bhagjoga, P.S.- Paliganj, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar Singh, Adv.

For the Opposite Party/s : Mr. Shailendra Kumar, APP

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

ORAL ORDER

2 13-07-2022 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.

The petitioner apprehends his arrest in connection with
Paliganj P.S. Case No. 174 of 2021, registered for the offences
punishable under Sections 420 of the Indian Penal Code and under
Section 30(a), 37 (b) (c) of the Bihar Prohibition and Amendment
Excise 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, this anticipatory bail application is dismissed as not maintainable.

If the petitioner surrenders 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 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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