

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6984 of 2021

Arising Out of PS. Case No.-271 Year-2020 Thana- BALIYA District- Begusarai

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GOVIND KUMAR @ GOVIND PASWAN S/O MANOHAR PASWAN, R/O
VILL.- CHHOTI BALLIA, PURANI DURGA ASHTAN, P.S.- BALLIA,
DIST.- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shubhesh Pandey
For the Opposite Party/s : Mr. Ramchandra Singh

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

ORAL ORDER

4 06-01-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through virtual mode.

The learned counsel for the petitioner is directed to
remove all the defects pointed out by the office within one
month.

The petitioner apprehends his arrest in connection with
Ballia P.S. Case No. 271 of 2020 registered for the offence
punishable under sections 30, 32 (a) of the Bihar Excise and
Prohibition Act, 2016.

So far as the maintainability of the bail petition is
concerned, 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.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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