

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61400 of 2021

Arising Out of PS. Case No.-78 Year-2021 Thana- PUSA District- Samastipur

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SOHAN KUMAR @ SOHAN KUMAR SHARMA @ CHHOTU S/o LATE
CHANDESHWAR PRASAD SHARMA, R/o VILLAGE-MADAPUR
CHAPRA, WARD No.10, P.S-PUSA, DISTRICT-SAMASTIPUR, PIN
CODE-848125 (BIHAR).

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Shahnawaz Ali
For the Opposite Party/s : Mr.Rajendra Prasad Nat

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

ORAL ORDER

3 15-09-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the office within one

month.

Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

The petitioner apprehends his arrest in connection with

Pusa Police Station Case No. 78 of 2021, registered for the

offence punishable under section 30 (a) of the Bihar Prohibition

and Excise Act.

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)

Mahesh/Nirmal

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