

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9018 of 2021

Arising Out of PS. Case No.-160 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

MD. KAMAL S/O Md. Riyajuddin Resident of Village - Roopwara, P.S. -
Karja, Dist. - Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratneshwar Prasad
For the Opposite Party/s : Mr. Bhanu Pratap Singh

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

ORAL ORDER

4 27-01-2022 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 through video conferencing.

The petitioner apprehends his arrest for the
offences alleged under Section 30(a) of the Bihar Prohibition
and Excise Act, registered in connection with Muzaffarpur
Excise Case No. 160 of 2019 (P.R. 50 of 2019).

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, the court below shall consider the same on its own merit.

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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