

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9072 of 2021

Arising Out of PS. Case No.-251 Year-2020 Thana- RUPASPUR District- Patna

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SWETA KUMARI D/o Vinod Kumar, R/o- Rupaspur, P.S.- Rupaspur,
District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Dr. Indihar Kumari

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 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 her arrest in connection with

Rupaspur P.S. Case No. 251 of 2020 registered for the offence

punishable under section 30 (a) of the Bihar Excise and

Prohibition Act.

The learned counsel for the petitioner has submitted

that the illicit liquor was recovered from the Scooty of the

petitioner Sweta Kumari, who is the owner of the Scooty and

her brother, who was driving that Scooty, was arrested and has



been granted regular bail. He has also submitted that the petitioner has no concern with the alleged recovery.

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.

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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