

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11998 of 2021**

Arising Out of PS. Case No.-162 Year-2020 Thana- AURANGABAD TOWN District-
Aurangabad

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SANJOG KUMAR @ SANYOG YADAV SON OF LATE RAMASHISH
SINGH, RESIDENT OF VILLAGE - CHATRA, P.S. - AURANGABAD (M),
DISTRICT – AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vyas Kumar Mishra

For the Opposite Party/s : Mr. Raj Kishore Singh

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

ORAL ORDER

4 02-02-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through video

conferencing.

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

Aurangabad P.S. Case No. 162 of 2020 registered for the

offence punishable under sections 279, 337, 338, and 353 of the

Indian Penal Code and section 37 (c) of the Bihar Prohibition

and Excise (Amendment) Act, 2018.

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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