

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(From The Official Chambers Via Video Conferencing)
CRIMINAL MISCELLANEOUS No.10380 of 2021**

Arising Out of PS. Case No.-32 Year-2020 Thana- JAYRAMPUR District- Sheikhpura

SUDHIR KUMAR SINGH @ SUDHIR KR. SINGH SON OF
RAMESHWAR SINGH R/O B.S.L. JOPADI COLONY, AMBEDKAR
NAGAR, MARAFARI, BOKARO STEEL CITY, P.S.- SIBANDIH, DIST.-
BOKARO (JHARKHAND)

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Pathak
For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

3 06-01-2022 Learned counsel for the petitioner is directed to
remove all the defects pointed out by the Stamp Reporter within
one month.

Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection
with Jayrampur P.S. Case No. 32 of 2020 corresponding to
Excise Case No. 262/2020, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Excise Act.

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 defects are removed by the petitioner within the stipulated time provided in para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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