

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66421 of 2021**

Arising Out of PS. Case No.-117 Year-2020 Thana- GANGABRIDGE District- Vaishali

ANUJ KUMAR Son of sumesh Singh @ Sumera Singh, Resident of Village -
Saidpur Genesh, P.S.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad
For the Opposite Party/s : Mr.Satyadeo Singh Yadav

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

ORAL ORDER

2 25-07-2022 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

Gangabridge P.S. Case No. 117 of 2020 registered for the

offence punishable under section 414 of the Indian Penal Code

and 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.

If the petitioner surrenders before the court below and makes a prayer for regular bail, it shall be disposed of without being prejudiced by this order. The learned court below may take notice of this fact that the petitioner is a person of clean antecedent.

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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