

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66015 of 2021**

Arising Out of PS. Case No.-244 Year-2021 Thana- RAFIGANJ District- Aurangabad

PINTU KUMAR Son of Ramashish Paswan Resident of Village -
Vishrampur, P.s.- Deo , Distt.- Aurangabad, Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rupa Kumari

For the Opposite Party/s : Mr.Indu Kumari Srivastava

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

ORAL ORDER

2 21-07-2022 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 petitioners and
learned APP for the State.

The petitioner apprehends his arrest for the
offences alleged under Sections 328 and 120(B) of the Indian
Penal Code and Sections 30(a), 30(c) and 34 of the Bihar
Prohibition and Excise (Amendment) Act, 2018, registered in
connection with Rafiganj P.S.Case No. 244 of 2021.

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 same shall be considered and disposed of without being prejudice by this order. The learned court below may also take notice of this fact that the petitioner is the owner of the vehicle and he was not arrested at the spot.

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)

HR/-

U		T	
---	--	---	--

