

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66430 of 2021

Arising Out of PS. Case No.-320 Year-2021 Thana- BHAGWAN BAZAR District- Saran

MAHESH RAI Son of Jawahir Rai Resident of Village - Ajayabganj, P.S.-
Bhagwan Bazar, District - Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Pandey

For the Opposite Party/s : Mr.Akbar Ali

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

ORAL ORDER

3 21-09-2022 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 petitioner and learned
APP for the State.

The petitioner apprehends his arrest for the offences
alleged under Section 30(a) of the Bihar Prohibition and Excise Act,
registered in connection with Bhagwan Bazar P.S. Case No. 320 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 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 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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