

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69444 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- PAROO District- Muzaffarpur

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RAMESH SINGH @ MUNNA SINGH S/o- Shiv Shankar Singh, Resident of
Village- Rewa, P.S.- Saraiya, Dist- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sunil Kumar Pandey

For the Opposite Party/s : Mr.Nagendra Prasad

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

ORAL ORDER

2 27-07-2022 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
Paroo P.S. Case No. 231 of 2020 registered for the offence
punishable under sections 30, 30 (a) of the Bihar Prohibition and
Excise Act, 2018.

The learned counsel for the petitioner has submitted that
the petitioner is a person of clean antecedent, he was not named in
the FIR, his name has figured in supplementary charge-sheet and
only allegation against him is that he was cooperating the other
accused persons in the alleged business of illicit liquor.

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 not maintainable.

If the petitioner surrenders before the court below and makes a prayer for regular bail that shall be disposed of on the same day without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent and he is not named in the FIR.

With these observations, this criminal miscellaneous petition is being disposed of.

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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