

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70042 of 2021

Arising Out of PS. Case No.-370 Year-2020 Thana- LALGANJ District- Vaishali

VINOD RAI Son of Ram Pravesh Rai, Resident of Village- Khajauli, P.S.-
Lalganj, District- Vaishali. Petitioner/s

Versus

THE STATE OF BIHAR Opposite Party/s

Appearance :

For the Petitioner/s : Bela Singh, Adv.

For the Opposite Party/s : Mr.Narendra Kumar Singh, APP

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

ORAL ORDER

4 26-09-2022 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

Mr. Narendra Kumar Singh, the learned Additional Public

Prosecutor for the State.

The petitioner apprehends his arrest in connection with

Lalganj P.S. Case No. 370 of 2020 registered for the offence

punishable under sections 420, 467, 468, 471, 353 of the Indian

Penal Code and sections 30 (a) (c) (d), 36, 41 (i) of the Bihar

Prohibition and Excise Act, 2018.

The learned counsel for the petitioner has submitted

that nothing was recovered from the house of the petitioner.

The petitioner has one criminal antecedent, as

mentioned in paragraph no. 3 of this bail petition.



Be that as it may, 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.

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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