

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69941 of 2021

Arising Out of PS. Case No.-24 Year-2020 Thana- JAYNAGAR District- Madhubani

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MUKESH KUMAR MUKHIYA S/O TEPAR MUKHIYA @ NAPALI
MUKHIYA R/o village- Parsahi, P.S.- Jay Nagar, District- Madhubani

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ratanakar Jha

For the Opposite Party/s : Mr.Manoj Kumar

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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 Stamp Reporter within

one month.

Heard the learned counsel for the petitioner and
learned APP for the State.

The petitioner apprehend his arrest for the offences
alleged under Sections 272, 273 and 414/34 of the Indian Penal
Code and Section 30(a) of the Bihar Prohibition and Excise Act,
2016, registered in connection with Jaynagar P.S.Case No. 24
of 2020.

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 disposed of as not maintainable.

If the petitioner surrenders and seeks regular bail before the court below, that shall be disposed of on its own merit, being prejudiced by this order. The learned court below may take note of the fact that one co-accused has been granted anticipatory bail by a coordinate Bench of this Court.

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)

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