

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.90 of 2022

Arising Out of PS. Case No.-76 Year-2021 Thana- TISIAUTA District- Vaishali

SHYAM SHAH @ SHYAM KUMAR SAH Son of Late Mahendra Sah
Resident of Village- Loma, P.S.- Tisiauta, District- Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Pradeep Narain Kumar

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

ORAL ORDER

2 01-08-2022 Heard learned counsel for the petitioner as well as the
learned APP for the State.

The petitioner apprehends his arrest in connection with
Tisiauta P.S. Case No. 76 of 2021, registered for the offences
punishable under Sections 30(a) of the Bihar Prohibition and
Amendment Excise Act, 2018.

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 para-1 hereinabove, failing which the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey, J)

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