

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49885 of 2022

Arising Out of PS. Case No.-18 Year-2022 Thana- GOVERNMENT OFFICIAL COMP.
District- Bhagalpur

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SANJAY MANDAL Son of Ram Baran Mandal Resident of Village -
Pannuchak, P.S.- Goradih (Kahalgaon), District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rajive Ranjan Singh
For the Opposite Party/s	:	Mr.Md. Matloob Rab

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CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

3 13-01-2023 Learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within

one month.

Heard learned counsel for the petitioner as well as the

learned APP for the State through video conferencing.

The petitioner apprehends his arrest in connection

with Sadar P.S. Case No. 18 of 2022, registered for the offences

punishable under Sections 30(a) & 30(c) of the Bihar

Prohibition & Excise Act, 2016.

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

(Nawneet Kumar Pandey, J)

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