

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4451 of 2020

Arising Out of PS. Case No.-282 Year-2016 Thana- BARHARIA District- Siwan

Aditya Singh Son of Dr. Capt. Jitendra Nath Singh R/o-C/190/236 Bilandpur
P.S. - Gorakhpur Cant, District - Gorakhpur (UP).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar Pandey, Adv.

For the Opposite Party/s : None

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

ORAL ORDER

7 21-10-2021 Heard learned counsel for the petitioner.

The petitioner apprehends his arrest for the offences alleged under Sections 272, 273, 308, 34 of the Indian Penal Code and 30, 36, 38 of the Bihar Excise and Amendment Act, registered in connection with Barharia P.S. Case No. 282 of 2016.

Allegedly, 1296 litres of liquor was recovered from the pick up van belonging to the petitioner.

Learned counsel for the petitioner has submitted that the said pick up van was already leased out by him prior to this occurrence to Manish Singh for rent of Rs. 15,000/- per month on contract. He has further submitted that he is innocent and has falsely been implicated in this case.

None appeared on behalf of the State.

Section 76 (2) of 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 438 of the Cr.P.C. is not applicable in respect of offences of Bihar Prohibition and Excise Act, 2016, as such, this anticipatory bail petition is dismissed as not maintainable.

If the petitioner surrenders before the court below the court below shall consider the regular bail on its own merit.

(Nawneet Kumar Pandey , J)

SONALI/-

U		T	
---	--	---	--

