

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6097 of 2021

Arising Out of PS. Case No.-223 Year-2020 Thana- SALIMPUR District- Patna

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MURARI RAM SON OF LATE RAM SEVAK RAM RESIDENT OF
VILLAGE - GHUNSURPUR, P.S. - SALIMPUR, DISTRICT - PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Usha Kumari Singh

For the Opposite Party/s : Mr.A.G.

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

ORAL ORDER

2 15-12-2021 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner apprehend his arrest in connection with
Special Case No.4831 of 2020 (arising out of Salimpur P.S.
Case No.223 of 2020) registered for the offences punishable
under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submits that 129.2
litres of illicit liquor was recovered from Bhusa house and
search and seizure was made by an Office of the rank of A.S.I.

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 surrender and seek regular bail before the Court below, the Court below shall consider the same on its own merit.

(Nawneet Kumar Pandey , J)

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