

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12069 of 2021

Arising Out of PS. Case No.-230 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Saran

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LALAN RAI @ LALLAN KUMAR RAY Son of Late Mukhtar Ray Resident
of Village-Ram Nagar, P.O.-Sandha, P.S.-Chapra Mufassil, District-Saran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Nawnit Kumar Tiwary
For the Opposite Party/s : Mr.Umanath Mishra

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

ORAL ORDER

2 05-01-2022 Heard the learned counsel for the petitioner and

learned APP for the State through video conferencing.

The petitioner apprehends his arrest for the
offences alleged under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016, registered in connection with Chapra
Excise P.S.Case No. 230 of 2020.

By drawing my attention towards the seizure list, the
learned counsel for the petitioner has submitted that the illicit
liquor was recovered from an open space adjacent to the
gaushala of the petitioner.

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.

(Nawneet Kumar Pandey, J)

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