

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11591 of 2021**

Arising Out of PS. Case No.-16 Year-2020 Thana- MATIHANI District- Begusarai

PRATYUSH BHARTI SON OF ARUN KUMAR SINGH, R/O VILL.-
RATANPUR WARD NO. 20, P.S.- BEGUSARAI TOWN (RATANPUR O.P.),
DISTRICT- BEGUSARAI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Braj Bhushan Poddar

For the Opposite Party/s : Mr. Shyam Kumar Singh

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

ORAL ORDER

5 24-01-2022 Heard the learned counsel for the petitioner as well as

Additional Public Prosecutor for the State through video

conferencing.

The petitioner apprehends his arrest in connection with
Matihani P.S. Case No. 16/2020 registered for the offence
punishable under section 120 (B) of the Indian Penal Code and
sections 30 (a), 32 of the Bihar Prohibition and Excise
Amendment Act, 2018.

So far as the maintainability of the bail petition is
concerned, 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.

(Nawneet Kumar Pandey , J)

Mahesh/-

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

