

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53484 of 2023

Arising Out of PS. Case No.-488 Year-2023 Thana- ARA NAWADA District- Bhojpur

NARAYAN SINGH S/o Narendra Singh, R/o Village-Karara (Karra), P.S.-
Dhobahan O.P., District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Diwakar, Advocate Mr. Sudhakar Ranjan, Adv. Mr. Shivam Kumar, Adv. Mr. Deepak Kumar, Adv. Mrs. Priya Kumari, Adv.
For the Opposite Party/s	:	Mr. Kumar Veerendra Narayan, APP

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

ORAL ORDER

3 08-11-2023 Heard learned counsel for the petitioners as well as
learned APP for the State.

2. The petitioners apprehend their arrest in connection with Ara Nawadha P.S. Case No. 488 of 2023, registered for the offences punishable under Sections 153, 158, 307 and 34 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. Learned counsel for the petitioner has submitted that the petitioner is a person of clean antecedent. As a matter of fact, he himself was attacked and as per allegation, only 550 ml liquor was recovered from his Swift Dzire car.

4. Be that as it may, 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., as such, this anticipatory bail application is not maintainable.

5. If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner is a person of clean antecedent.

6. With these observations, the criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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