

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67095 of 2023

Arising Out of PS. Case No.-257 Year-2023 Thana- DIDARGANJ District- Patna

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YAMUNA YADAV @ JAMUNA SINGH @ YAMUNA SINGH @ JAMUNA
YADAV son of Late Narayan Singh @ Late Tek Narayan Yadav Village-
Madhopur, PS- Didarganj, Dist- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Parmeshwar Vishwakarma, Adv.

For the Opposite Party/s : Mr.Mukesh Kumar Singh, APP

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

ORAL ORDER

2 18-10-2023 Heard the learned counsel for the petitioner as well as

the learned Additional Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Didarganj P.S. Case No. 257 of 2023, registered for the
offence punishable under sections 30(a)/36 of the Bihar
Prohibition and Excise Act.

3. The learned counsel for the petitioner has submitted
that the petitioner is a person of clean antecedent, nothing has
been recovered from his possession and his name has figured in
the confessional statement of co-accused.

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.



5. 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 not maintainable.

6. If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day without being prejudiced by this order. The learned court below shall take into account that the petitioner is a person of clean antecedent and nothing has been recovered from his possession.

7. With these observations, this petition is disposed of.

(Nawneet Kumar Pandey, J)

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