

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67128 of 2023

Arising Out of PS. Case No.-493 Year-2022 Thana- KHIJARSARAI District- Gaya

RAM JANAM PASWAN SON OF GULAB CHAND PASWAN VILLAGE-
BULAK BIGHA, BELHARI, BELAGANJ, POLICE STATION-
BELAGANJ, DISTRICT-GAYA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Braj Nandan Kumar Tiwary
For the Opposite Party/s : Mr.Ramesh Chandra

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

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection with
Khizarsarai Case No. 493 of 2022, registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and Excise
Act.

3. As per allegation, the informant having got an
information regarding involvement of petitioner in storing,
purchasing and selling of illicit liquor, raided the place of occurrence.
Seeing the police personnel, the accused persons fled away, leaving
behind a blue-coloured drum. On search of the said drum, 40 liters of
country-made *mahua* liquor was recovered.

4. The learned counsel for the petitioner has submitted
that the petitioner has falsely been implicated in this case. He is a



person of clean antecedent. Nothing was recovered from his conscious possession.

5. 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.

6. 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.

7. If the petitioner surrenders and seeks regular bail, the court below shall consider the same on the day of its filing.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

Kundan/Nirmal

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