

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69765 of 2023

Arising Out of PS. Case No.-164 Year-2023 Thana- GOVINDPUR District- Nawada

SHYAM SAW @ SHYAM SUNDAR KUMAR SON OF MUNI SAW @
MUNNALAL YADAV RESIDENT OF MOHALLA- DELHUA, PS-
GOVINDPUR, DIST- NAWADAH

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kaushal Kishor

For the Opposite Party/s : Mr.Shaheen Begum

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

ORAL ORDER

2 01-11-2023 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Govindpur Case No. 164 of 2023, registered for the offence punishable under Section 30(a), 30(d)/41/34 of the Bihar Prohibition and Excise Act, 2016.

3. As per allegation, the informant having got an information that the FIR named accused persons were manufacturing and selling *mahua* liquor, reached at the place of occurrence. On search, approximately 1200 liters of *mahua* liquor was recovered.

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

(Nawneet Kumar Pandey, J)

Kundan/-

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

