

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69988 of 2023

Arising Out of PS. Case No.-280 Year-2023 Thana- RUNISAIDPUR District- Sitamarhi

AKHILESH SINGH SON OF VIMLESH SINGH @ VIMAL SINGH
RESIDENT OF VILLAGE - NUNAURA, P.S. - BELSAND, DISTRICT -
SITAMARHI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha
For the Opposite Party/s : Mr.Yogendra Kumar Singh

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

ORAL ORDER

2 01-11-2023 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
Runnisaidpur P.S. Case No. 280 of 2023, registered for the
offence punishable under section 30 (a), 32(i)(ii), 36, 41 (i)(ii) of
the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. Allegedly, 2689.500 litres of illicit liquor is said to
have been recovered.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in
this case. He has no concern with the vehicle wherefrom the illicit
liquor was recovered. He was neither the owner nor the driver of
the seized vehicles. He is a person of clean antecedent.



5. 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.

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 not maintainable.

7. 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 may take notice of the fact that the petitioner is a person of clean antecedent and there is no specific overt act against him.

8. With these observations, this criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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