

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71842 of 2023

Arising Out of PS. Case No.-106 Year-2023 Thana- NATWAR District- Rohtas

1. TINKU CHAUDHARY @ TINKU KUMAR CHAUDHARY SON OF MOTILAL CHAUDHARY RESIDENT OF VILLAGE- ASIYA TOLA, PS- NATWAR, DISTT- ROHTAS
2. OM PRAKASH CHAUDHARY SON OF SHIV BALAK CHAUDHARY RESIDENT OF VILLAGE- ASIYA TOLA, PS- NATWAR, DISTT- ROHTAS

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 07-11-2023 Heard learned counsel for the petitioners as well as the learned APP for the State.

2. The petitioners apprehend their arrest in connection with Natwar Case No. 106 of 2023, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, on the tip off, the informant reached at the place of occurrence and found five Bhattis were burning there for preparation of illegal country-made liquor. Seeing the police party, the accused persons managed to flee away. The local chowkidar is said to have identified the petitioners in torch light. 13 litres of country-made liquor and 200 litres raw material was



recovered.

4. The learned counsel for the petitioners has submitted that the petitioner has falsely been implicated in this case. Nothing was recovered from his conscious possession, rather 13 litres of liquor was recovered near a garden, which was not in possession of the petitioners.

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 petitioners surrender in the court below and seek regular bail, the same shall be considered on the same day without being prejudiced by this order.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

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