

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60789 of 2024

Arising Out of PS. Case No.-1410 Year-2024 Thana- Excise P.S. District- Patna

Kundan Ray @ Kundan Kumar Son of Ashok Ray Resident of College Ghat
(Nai Sarak Kinare), P.S.- Chowk, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate
For the Opposite Party/s : Mr. Narsingh Tanti, APP

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

ORAL ORDER

3 16-12-2024 Heard the learned counsel for the petitioner as well as
learned APP for the State.

2. The petitioner apprehends his arrest in connection
with Patna Exclusive (Excise) P.S. Case No. 1410 of 2024,
registered for the offences punishable under Section 30(a) of the
Bihar Prohibition and Excise Amendment Act, 2022.

3. Recovery is of 40 litres of illicit country made
liquor.

4. The learned counsel for the petitioner has submitted
that the petitioner is a person of clean antecedent and has falsely
been implicated in this case. He has further submitted that the
petitioner has no concerned with the alleges seized liquor.

5. On the other hand, learned APP for the State has



opposed the prayer for bail.

6. 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.

7. 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.

8. If the petitioner surrenders before the court below and makes a prayer for regular bail, that shall be disposed of on the same day of its filing, on its own merit without being prejudiced by this order.

9. With these observations, this application is disposed of.

(Nawneet Kumar Pandey, J)

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