

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.628 of 2024

Arising Out of PS. Case No.-208 Year-2023 Thana- AMBA District- Aurangabad

=====

Gajadhar Saw @ Gajadhar Sao @ Gajadhar Sah Son Of Pahlad Saw R/o vill -
Baidrabad, P.S. - Arwal, Distt. - Arwal

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Mishra

For the Opposite Party/s : Mr.Ahmad Ali

=====

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

ORAL ORDER

2 24-01-2024 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Amba P.S. Case No. 208 of 2023 registered for the offence
punishable under Section 30(a) of the Bihar Prohibition and Excise
Act, 2016.

3. As per allegation, 81.375 litres foreign liquor is said to
have been recovered from the seized Tempo No. BR25GA0795.

4. The learned counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated in this
case merely because he is owner of the auto rickshaw from which,
81.375 litres foreign liquor is said to have been recovered. He is a
person of clean antecedent.

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 in the court below and seeks regular bail, the same shall be considered and disposed of on the same day without being prejudiced by this order, taking into account that the petitioner is a person of clean antecedent.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

A.K.V.//-

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

