

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.632 of 2024

Arising Out of PS. Case No.-318 Year-2023 Thana- KALYANPUR District- Samastipur

Amresh Kumar @ Amresh Kumar Sah Son of Manoj Sah Resident of Village-
Manjil Mubarak, Police Station- Kalyanpur, District- Samastipur

... .. Petitioner/s

Versus

The State Of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mahendra Pratap

For the Opposite Party/s : Mr.Asha Kumari

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

ORAL ORDER

2 31-01-2024 Heard learned counsel for the petitioner as well as
the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Kalyanpur Case No. 318 of 2023, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per allegation, the informant, on a secret information, raided the place of occurrence and seized 134.25 liters of foreign liquor.

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. He is neither the driver nor the owner of the seized vehicle.

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)

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