

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.640 of 2024**

Arising Out of PS. Case No.-99 Year-2023 Thana- CHAORI District- Bhojpur

Santosh Kumar Son of Shayam Bihari Sah Resident of village-sahiyara, P.S.-  
Imadpur, District-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Nagadeo Choubey

For the Opposite Party/s : Mr.Parmanand Kumar

**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  
Chauri P.S. Case No. 99 of 2023 registered for the offence  
punishable under Section 30(a) of the Bihar Prohibition and Excise  
(Amendment) Act, 2018.

3. As per allegation, 32 litres Mahua 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 due to local politics merely because he is owner of the  
motorcycle from which, 32 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.//-

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