

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2450 of 2025

Arising Out of PS. Case No.-542 Year-2022 Thana- ALAMGANJ District- Patna

Sanjiv Sah @ Sanjiv Saw Son of Subhash Sah @ Subash Saw Resident of
Village -Naya Gaou PS -Alamganj District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar Tiwari

For the Opposite Party/s : Mr.Rajesh Kumar

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

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Alamganj P.S. Case No. 542 of 2022, registered for the offences
under Sections 30(a), 36 of the Bihar Prohibition and Excise
(Amendment) Act, 2018.

3. As per prosecution case, there has been recovery of 100
liters of country-made Mahua liquor from behind the cow-shed.

4. The learned counsel for the petitioner has submitted
that petitioner has falsely been implicated in this case. No
incriminating articles has been recovered from the conscious
possession of the petitioner.

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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