

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.2534 of 2025**

Arising Out of PS. Case No.-121 Year-2024 Thana- NAVINAGAR District- Aurangabad

Ramashray Thakur S/O Late Sukhdev Thakur Resident of Village -  
Bhekhpurwa Laheji, Hasanpura, P.s. - Pachrukhi, District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Shaheen Begum

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

ORAL ORDER

3      17-03-2025                      Heard learned counsel for the petitioner as well as the  
learned APP for the State.

2. The petitioner apprehends his arrest in connection with Nabinagar P.S. Case No. 121 of 2024, registered for the offence punishable under Sections 279, 337, 338, 427 of the IPC and Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, 280.8 liters of liquor is said to have been recovered from the Bolero, in question.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. He is a person of clean antecedent. Nothing was recovered from his conscious possession. The petitioner is said to be the owner of the vehicle, in question.

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 and seeks regular bail, the court below shall consider the same on the day of its filing. The learned trial court shall take into account that the petitioner is a person of clean antecedent.

8. Accordingly, this petition is disposed of.

**(Nawneet Kumar Pandey, J)**

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