

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5292 of 2025

Arising Out of PS. Case No.-342 Year-2024 Thana- GOPALPUR District- Patna

Akash Kumar @ Aakash Kumar S/o- Nand Kishore Prasad Village-
Vishwkarma Mandir Neem Ki Bhatti PS-Alamganj District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudhir Kumar Sinha

For the Opposite Party/s : Mr.Abhay Kumar Roy

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

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Gopalpur P.S. Case No. 342 of 2024, registered for the offences
under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2016.

3. As per prosecution case, there has been recovery of
284.28 liters of english liquor from the Maruti Swift car, in question.

4. The learned counsel for the petitioner has submitted
that petitioner has falsely been implicated in this case. Nothing was
recovered from possession of the petitioner. He has further submitted
that the petitioner 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 the same day without being prejudiced by this order.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

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