

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6996 of 2025

Arising Out of PS. Case No.-182 Year-2024 Thana- GUTHANI District- Siwan

VIRENDRA MISHRA Son of Vikram Mishra R/o Village - Rith, P.S.- Ekma,
District - Saran. At present - T-31, East Mehram Nagar, Palam Airport,
Moradabad Pahari, Delhi Cantt, South West Delhi, Delhi - 110010.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anjani Parashar, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, A.P.P.

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

ORAL ORDER

2 24-02-2025 Heard learned Counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 30(a) of the Bihar Prohibition and Excise
Act registered in connection with Guthani P.S. Case No. 182 of
2024.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of total 112.32 litres of
English illicit liquor from the vehicle.

4. 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.

5. 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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