

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9764 of 2025

Arising Out of PS. Case No.-200 Year-2024 Thana- VISHNUPAD District- Gaya

Md. Sahzad S/o- Md. Naushad @ Nausad Khan Resident of village- Bhadeji
PS- Gaya Muffasil District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Nath Ojha

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

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

ORAL ORDER

2 19-03-2025 Heard the learned counsel for the petitioner and
learned APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 30(a) of the Bihar Prohibition and Excise
(Amendment) Act, 2018, registered in connection with
Vishnupad Temple P.S. Case No. 200 of 2024.

3. Allegedly, 50 litres of illicit liquor is said to have
been recovered from e-Rickshaw and the petitioner is said to be
owner of the said e-Rickshaw.

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.

6. If the petitioner surrenders and seeks regular bail before the court below, the court below shall consider the same on its own merit without being prejudiced by this court and dispose of the same preferably same day taking into consideration that the petitioner is a person of clean antecedent.

(Nawneet Kumar Pandey, J)

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