

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10827 of 2025**

Arising Out of PS. Case No.-35 Year-2024 Thana- Mabby District- Darbhanga

Rohit Kumar Son of Lal Babu Ray Resident of Village - Majhauri  
Dharamdas, P.S. - Sadar, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Kaushal Kumar

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, 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  
Act, 2022, registered in connection with Mabbi P.S. Case No. 35  
of 2024.

3. Allegedly, 373.68 litres of illicit liquor is said to  
have been recovered from the truck, in question.

4. It has been submitted on behalf of the petitioner  
that he is innocent and has falsely been implicated in the present  
case merely because he is said to be owner of the truck, in  
question.

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, on the same day taking into consideration that the petitioner is a person of clean antecedent.

**(Nawneet Kumar Pandey, J)**

A.K.V//-

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