

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15782 of 2025

Arising Out of PS. Case No.-191 Year-2024 Thana- JAGDISHPUR District- Bhagalpur

Dharmendra Mahto Son of Suchit Mahto Resident of Village - Yogipur, P.S. - Jagdishpur, District - Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar

For the Opposite Party/s : Mr.Chandra Sen Prasad Singh

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

ORAL ORDER

2 02-04-2025 Heard learned counsel for the petitioner as well as the learned APP for the State.

2. The petitioner apprehends his arrest in connection with Jagdishpur P.S. Case No. 191 of 2024, registered for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per allegation, 03 liters of country made liquor was recovered from the house of the petitioner.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. Nothing was recovered from his conscious possession.

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 its own merit without being prejudiced by this order and dispose it of on the same day.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

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