

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15641 of 2025

Arising Out of PS. Case No.-529 Year-2024 Thana- MADHUBAN District- East Champaran

1. Jalandhar Sahni Son of Late Dhana Sahni R/O village- Sirauli, P.S- Garahiya O.P, Distt. - East Champaran
2. Keshwar Sahni Son of Late Dhana Sahni R/O village- Sirauli, P.S- Garahiya O.P, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari, Advocate

For the Opposite Party/s : Mr. Dashrath Mehta, A.P.P.

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

ORAL ORDER

2 02-04-2025 Heard learned Counsel for the petitioners and
learned A.P.P. for the State.

2. The petitioners apprehend their arrest for the offences alleged under Sections 30(a) and 41(1) of the Bihar Prohibition and Excise (Amendment) Act registered in connection with Madhuban P.S. Case No. 529 of 2024.

3. Allegedly, the petitioners have been booked for Bihar Prohibition and Excise Act for recovery of total 88 litres of country made liquor.

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 petitioners surrender and seek regular bail before the court below, it shall consider and dispose of the same on its own merit without being prejudiced by this order.

(Nawneet Kumar Pandey, J)

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