

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15624 of 2025

Arising Out of PS. Case No.-272 Year-2024 Thana- JALALPUR District- Saran

Vicky Kumar S/O Ram Sahay Prasad Resident of Village- Sawai Bazar,
Police Station and P.O- Jalalpur, District- Chapra at Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajiv Ranjan Kumar Pandey, Advocate
For the Opposite Party/s : Ms. Asha Devi, A.P.P.

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

ORAL ORDER

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

2. The petitioner apprehends his arrest in connection
with Jalalpur P.S. Case No. 272 of 2024, registered for the
offences punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016.

3. Allegedly, the petitioner has been booked for
Bihar Prohibition and Excise Act for recovery of total 14.940
litres of English wine from the vehicles.

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, 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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