

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15749 of 2025

Arising Out of PS. Case No.-9 Year-2025 Thana- WAJIRGANJ District- Gaya

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Karu Manjhi @ Surendra Manjhi S/o- Gendu Manjhi village- Badakwan P S-
Wazirganj District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

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

ORAL ORDER

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

learned APP for the State.

2. The petitioner apprehends his arrest in connection with Wazirganj P.S. Case No. 09 of 2025, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act, 2018.

3. As per allegation, on a secret information, the informant along with police party reached the place of occurrence. Seeing the police party, the accused persons fled away. On search, 15 liters of *Mahua* liquor was recovered from the place of occurrence. On query, local people present there disclosed the name of this petitioner.

4. Learned counsel for the petitioner has submitted



that he is innocent and has falsely been implicated in this case.
He is a person of clean antecedent. Nothing has been 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 before the court below
and makes a prayer for regular bail, that shall be disposed of on
the same day of its filing, on its own merit without being
prejudiced by this order.

(Nawneet Kumar Pandey, J)

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