

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16820 of 2025

Arising Out of PS. Case No.-369 Year-2024 Thana- SARAIYA District- Muzaffarpur

Rinku Devi Wife of Shambhu Yadav Resident of Village- Pipar Tand Ward
No. 15, P.S.- Khaira, Distt.- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Manoj Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

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

ORAL ORDER

2 19-03-2025

Heard the learned counsel for the parties.

2. The petitioner apprehends her arrest for the offences alleged under Sections 30(a), 32(2), 32(3), 36, 41(1) and 42(2) of the Bihar Prohibition and Excise Act registered in connection with Saraiya P.S.Case No. 369 of 2024.

3. It is alleged that illegal liquor was being transported in the pick-up vehicle owned by the petitioner.

4. The learned counsel for the petitioner has submitted that the petitioner has falsely been implicated. The petitioner is a lady and nothing has been recovered from her 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 before the court below, it shall consider and dispose of the same on its own merit on the same day, without being prejudiced by this order, keeping in view that fact that the petitioner is a lady having clean antecedents.

(Nawneet Kumar Pandey, J)

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