

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34193 of 2025

Arising Out of PS. Case No.-462 Year-2024 Thana- TARAIYA District- Saran

Chandan Yadav S/o Ram Pravesh Yadav R/o Village- Dundar, P.S.-
Chhattarpur, District- Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nalin Kumar

For the Opposite Party/s : Mr.Umesh Lal Verma

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

ORAL ORDER

4 13-10-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Taraiya P.S. Case No. 462 of 2024, registered for the offences under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

3. As per prosecution case, 5,964 liters of spirit liquor
were recovered from the truck and the driver of the truck was
apprehended on the spot.

4. The learned counsel for the petitioner has submitted
that petitioner has falsely been implicated in this case. Nothing was
recovered from his possession. He has further submitted that the
petitioner is owner of the truck. The petitioner is a person of clean
antecedent.

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 in the court below and seeks regular bail, the same shall be disposed of on merit without being prejudiced by this order.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

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