

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28792 of 2025**

Arising Out of PS. Case No.-181 Year-2025 Thana- GOPALGANJ TOWN District-  
Gopalganj

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Prince Singh @ Prince Kumar Singh S/O Late Shankar Singh R/O village -  
Basdila Khap , P.O. - Gopalganj, P. S - Gopalganj, District - Gopalganj, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Akshay Ashish, Advocate  
For the Opposite Party/s : Mr. Shailendra Kumar, A.P.P.

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

**ORAL ORDER**

2      07-05-2025                      Heard learned Counsel for the petitioner and learned  
A.P.P. for the State.

2. The petitioner apprehends his arrest for the offences  
alleged under Sections 30(a) of the Bihar Prohibition and Excise  
Amendment Act, 2022 registered in connection with Gopalganj  
Nagar P.S. Case No. 181 of 2025.

3. Allegedly, the petitioner has been booked for Bihar  
Prohibition and Excise Act for recovery of total 7.500 litres of  
foreign 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 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)**

Neha/-

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