

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28782 of 2025

Arising Out of PS. Case No.-47 Year-2025 Thana- SAHAR District- Bhojpur

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Dhananjay Singh @ Dhananjay Kumar Singh Son of Siyaram Singh Resident
of village - Baraki Kharaon, P.S.- Sahar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Navin Kumar Singh, Advocate

For the Opposite Party/s : Mr. J.N. Thakur, 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
Act, 2018 registered in connection with Sahar P.S. Case No. 47
of 2025.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of total 49 litres of
country made liquor from the motorcycle.

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, the court below shall consider the same on its own merit without being prejudiced by this court and dispose of the same preferably same day taking into consideration that the petitioner is a person of clean antecedent.

(Nawneet Kumar Pandey, J)

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