

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75456 of 2024

Arising Out of PS. Case No.-283 Year-2024 Thana- CHHATAUNI District- East Champaran

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Vinod Dhagar @ Vinod Dhangar @ Vinod Dhagad Son of Bishwanath
Dhangar Resident of Village - Domapatti, P.S. - Chhatauni, District - East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Kanhiya Kishor

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

ORAL ORDER

2 17-01-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Section 30(a) of the Bihar Excise Act, registered
in connection with Chhatauni P.S. Case No. 283 of 2024.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of total 133 litres of
illicit liquor from the house of co-accused.

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 order.

(Nawneet Kumar Pandey, J)

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