

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76373 of 2024

Arising Out of PS. Case No.-413 Year-2024 Thana- HISUWA District- Nawada

Neeraj Kumar S/o Babuchand Yadav Resident of Village- Sartakiya, P.S.-
Hisua, District- Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, A.P.P.

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

ORAL ORDER

2 07-02-2025 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, 2016 registered in connection with Hisua P.S. Case No.
413 of 2024.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of total 160 litres of
country made liquor from the *tempo*.

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)

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