

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74484 of 2024**

Arising Out of PS. Case No.-530 Year-2024 Thana- MASHRAK District- Saran

Prince Kumar Singh S/o Jitan Singh R/o Village- Pakri Naraottam, P.S.-  
Panapur, Distt. - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Anuj Kumar

For the Opposite Party/s : Mr.Dr. Indiwari Kumari

**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 Sections 30(a), 38 & 41 of the Bihar Prohibition  
and Excise Act, 2016, registered in connection with Mashrak  
P.S. Case No. 530 of 2024.

3. Allegedly, the petitioner has been booked for Bihar  
Prohibition and Excise (Amendment) Act for recovery of total  
360 litres of illicit liquor from the spot.

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, the same shall be considered by the court below on its own merit without being prejudiced by this order.

**(Nawneet Kumar Pandey, J)**

A.K.V//-

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