

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76624 of 2024

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

Ajay Kumar Mahto son of Surendra Mahto Village- Turki, P.O- Rasauli, P.S-
Panapur, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jeetendra Narayan
For the Opposite Party/s : Mr.Pronoti Singh

**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 (Amendment) Act, 2022, 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
414.72 litres of illicit liquor from the car, in question.

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 nothing was recovered from possession of the petitioner and he has no criminal antecedent of similar nature.

(Nawneet Kumar Pandey, J)

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