

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.77335 of 2024**

Arising Out of PS. Case No.-451 Year-2024 Thana- BELAGANJ District- Gaya

Bablu Yadav S/O Janardhan Yadav @ Janardhan Prasad Yadav R/O Village-  
Dalli Bigha, P.O- Rauna, P.S- Belaganj, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bhola Kumar

For the Opposite Party/s : Mr.Meena 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 Section 30(a) of the Bihar Prohibition and Excise  
(Amendment) Act, 2022, registered in connection with Belaganj  
P.S.Case No. 451 of 2024.

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

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)**

A.K.V//-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

