

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78711 of 2024

Arising Out of PS. Case No.-152 Year-2024 Thana- KOCHAS District- Rohtas

Vikash Kumar @ Anuj Kumar Singh S/o Murlidhar Singh R/o Village-
Khudhudiya, P.S.- Kargahar, District- Rohtas

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajani Kant Singh
For the Opposite Party/s : Mr.Sucheta Yadav

**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 Kochas
P.S. Case No. 152 of 2024.

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

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 note of the fact that nothing was recovered from possession of the petitioner and the co-accused from whose possession recovery was made, have been has been granted bail.

(Nawneet Kumar Pandey, J)

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