

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.80609 of 2024**

Arising Out of PS. Case No.-243 Year-2024 Thana- DIDARGANJ District- Patna

Sanvir Kumar @ Sanbir Kumar @ Samir Kumar @ Sameer Kumar Son of  
Surendra Ray @ Surendar Ray Resident of Village- Jafarabad, P.S.-  
Rustampur, Distt.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr. Gauri Shankar Gupta, 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, registered in connection with PTN. 1186 of 2024 arising  
out of Didarganj P.S. Case No. 243 of 2024.

3. Allegedly, the petitioner has been booked for Bihar  
Prohibition and Excise Act for recovery of total 400 litres of  
country made liquor from the vehicle.

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)**

Neha/-

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