

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82806 of 2024

Arising Out of PS. Case No.-195 Year-2024 Thana- JAYNAGAR District- Madhubani

Arun Kumar Son of Mohan Prasad Sah Resident of village- Bhowara,
Machchhata Tol, Ward No.-26, P.S.- Madhubani Town, District Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Mohammad Sufyan, 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 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2022 registered in connection with Jaynagar P.S. Case No. 195 of 2024.

3. Allegedly, the petitioner has been booked for Bihar Prohibition and Excise Act for recovery of total 90 litres Nepali country made wine from the motorcycle.

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 he has no criminal antecedent of similar nature.

(Nawneet Kumar Pandey, J)

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