

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81640 of 2024

Arising Out of PS. Case No.-217 Year-2024 Thana- BHAGWANPUR District- Vaishali

Sachin Kumar S/O Late Mahendra Rai R/O Vill - Mahmadpur, P.S - Sahdee
Bujurg, Dist.- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Sinha, Adv.

For the Opposite Party/s : Mr. J.N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 10-02-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioners apprehends his arrest in connection with
Bhagwanpur P.S. Case No. 217 of 2024, registered for the offences
under Sections 409, 120(B) and Sections 30(a), 50, 51 and 52 of
Bihar Prohibition and Excise Act.

3. As per prosecution case, the petitioner is said to have
involved in selling illegal liquor in a Car and on search, there has
been recovery of about 322.36 liters of liquor.

4. The learned counsel for the petitioner has submitted
that petitioner has falsely been implicated in this case. No
incriminating articles has been recovered from the conscious
possession of the petitioner.

5. 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.

6. 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.

(Nawneet Kumar Pandey, J)

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