

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83426 of 2024

Arising Out of PS. Case No.-31 Year-2024 Thana- TELMAR District- Nalanda

Sudarshan Singh @ Sudarshan Ray @ Sudarshan S/o- Late Chandeshwar
Singh Village- Chandasi PO PS-Alabalpur District- Patna

... .. Petitioner/s

Versus

1. The State of Bihar
2. The State Of Bihar Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate
For the Opposite Party/s : Mr. Sanjay Kumar Pandey, 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 Telmar P.S. Case No. 31 of
2024.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of total 50 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, 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 nothing was recovered from possession of the petitioner and he has no criminal antecedent of similar nature.

(Nawneet Kumar Pandey, J)

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