

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84670 of 2024

Arising Out of PS. Case No.-614 Year-2024 Thana- GAYA MUFASIL District- Gaya

Munna Kumar Son of Sarju Ravidas @ Sharyu Ravidas R/O- Mohalla Pita Maheshwar, Near Shitla Mandir, PS- Civil Lines, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

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

For the State : Mr.Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR PANDEY

ORAL ORDER

2 21-02-2025 Heard learned counsel for the petitioner as well as learned APP for the State.

2. The petitioner apprehends his arrest in connection with Muffasil P.S. Case No. 614 of 2024, registered for the offences punishable under Sections 30 (a) of the Bihar Prohibition and Excise Act.

3. As per allegation, 45 liters of country-made liquor was recovered from the motorcycle of co-accused Mausham Kumar and Sharawan Kumar.

4. Learned counsel for the petitioner has submitted that he is innocent and has falsely been implicated in this case. Nothing has been recovered from his possession. He has submitted further that the petitioner is father of co-accused



Sharawan Kumar, from whose possession, the alleged liquor was recovered.

5. Be that as it may, 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.

7. If the petitioner surrenders before the court below and makes a prayer for regular bail, the same shall be disposed of on the same day of its filing, on its own merit without being prejudiced by this order. The learned court below may take notice of the fact that the petitioner has no any other criminal antecedent of similar nature of case and nothing was recovered from his possession.

(Nawneet Kumar Pandey, J)

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