

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.607 of 2025

Arising Out of PS. Case No.-354 Year-2024 Thana- RAMPUR District- Gaya

Sanjay Bharti Son of Sahdev Bhuiyan Vill -Pakri Guria PS- Imamganj Dist
-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Akbar Ali, A.P.P.

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

ORAL ORDER

2 21-02-2025 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
Amendment Act, 2022 registered in connection with Rampur
P.S. Case No. 354 of 2024.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of total 27 litres and
750 ml of illegal wine from the motorcycle.

4. Learned Counsel for the petitioner has submitted
that the petitioner is innocent and has falsely been implicated
and the F.I.R. itself shows that the petitioner is the owner of the
motorcycle which being driven by his son-in-law.



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.

7. 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 order.

(Nawneet Kumar Pandey, J)

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