

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1151 of 2025

Arising Out of PS. Case No.-170 Year-2020 Thana- GOVERNMENT OFFICIAL COMP.
District- Lakhisarai

Indradew Mandal son of Ganesh Mandal Resident of Village- Gopalpur, P..S.-
Chanan, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate
For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

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

ORAL ORDER

2 12-02-2025 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, 2018 registered in connection with Excise
Police Station Case No. 170c2 of 2020.

3. Allegedly, the petitioner has been booked for Bihar
Prohibition and Excise Act for recovery of 30 litres of illegal
mahua liquour and 850 kg Jawa Mahua.

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.

(Nawneet Kumar Pandey, J)

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