

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2423 of 2025

Arising Out of PS. Case No.-1043 Year-2018 Thana- BIHTA District- Patna

Sintu Kumar S/O Anand Kumar Resident of Village - Maudahi , P.S - Bihta ,
District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sameer Darshan

For the Opposite Party/s : Mr.Kumar Veerendra Narayan

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

ORAL ORDER

2 12-02-2025 Heard learned counsel for the petitioner as well as the
learned APP for the State.

2. The petitioner apprehends his arrest in connection with
Bihta P.S. Case No. 1043 of 2018, registered for the offences under
Sections 30(a) of the Bihar Prohibition and Excise Act.

3. As per prosecution case, there has been a recovery of 50
liters of country-made liquor in this case.

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. The petitioner is a person of clean
antecedent.

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 in the court below and seeks regular bail, the same shall be considered and disposed of preferably on the same day, without being prejudiced by this order.

8. Accordingly, this petition is disposed of.

(Nawneet Kumar Pandey, J)

Nirmal/-

U		T	
---	--	---	--

