

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28728 of 2017

Arising Out of PS.Case No. -299 Year- 2016 Thana -GOVERNMENT OFFICIAL COMP. District-
VAISHALI(HAJIPUR)

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1. Jay Narayan Rai S/o Sitaram Rai R/o Village- Chakwara, Ward no. 30,
P.S. Hajipur town, District Vaishali.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Yogendra Kumar Singh(APP)

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 14-07-2017 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The Petitioner is apprehending his arrest in connection with C 2A 299/2016, registered for the offences punishable under Sections 30(a)/35(a) of the Bihar Prohibition and Excise Act, 2016, pending in the Court of Chief Judicial Magistrate, Vaishali at Hajipur.

Considering the presumption under Section 32 of the Bihar Prohibition and Excise Act, 2016, this anticipatory bail application is not maintainable in view of the specific statutory bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016. Accordingly, it stands dismissed as not maintainable. However, in the event of surrender of the petitioner the prayer for



regular bail shall be considered taking into note that only two page prosecution report has been submitted by the prosecution without proper investigation of the case whereas the offence is punishable with minimum imprisonment of ten years.

(Birendra Kumar, J)

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