

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73216 of 2018

Arising Out of PS. Case No.-357 Year-2018 Thana- GRIYAK District- Nalanda

Chhote Singh Son of Uma Kant Singh Resident of Village-Kochgaon,P.S.
Warsaliganj,Distt.-Nawada

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh

For the Opposite Party/s : Mr.Sri Damodar Prasad Tiwary

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 20-12-2018 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Giriak (Katrissarai) P.S. Case No. 357 of 2018, disclosing offences under Sections 30, 38 and 41 of the Bihar Prohibition and Excise Act, 2016.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016, bars application of Section 438 of the Criminal Procedure Code. Based on the allegation made in the First Information Report, a case under Sections 30, 38 and 41 of the Act is made out, in my opinion.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender before



the Court below within four weeks from today and seeks regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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