

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74700 of 2018

Arising Out of PS. Case No.-139 Year-2018 Thana- GORIAKOTHI District- Siwan

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Bunty Kumar S/o late Rajdeo Prasad Resident of Village- Goreyakothi, P.S.
Goreyakothi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary

For the Opposite Party/s : Mr.Smt Sangeeta Sharma

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-12-2018 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Goreyakothi P.S. Case No.139 of 2018, disclosing offences under Section 30(a) 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 Section 30(a) 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 one month from today and seek regular bail, if so advised. Considering the allegation in the First Information Report that 180 Ml of a bottle filled with foreign liquor was recovered and this being the only allegation, I direct that if he surrenders within the time aforesaid, the Court below shall pass appropriate orders on the petitioner's application for grant of regular bail on the same day.

(Chakradhari Sharan Singh, J)

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