

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73196 of 2018

Arising Out of PS. Case No.-338 Year-2018 Thana- WAJIRGANJ District- Gaya

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Nityanand Singh Son of Late Awadhesh Singh Resident of Village-
Eroo, Police Station-Wazirganj, Distt.-Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kumar Dharendra Pratap Singh
For the Opposite Party/s : Mr. Sri Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-12-2018

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail on behalf of the petitioner in connection with Wazirganj P.S. Case No. 338 of 2018, registered for the offences punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On the basis of the prosecution report, I find that Sections 76(2) of the Bihar Prohibition and Excise Act, 2016 bars the exercise of power under Section 438 of the Cr. P.C. for grant of anticipatory bail. In such circumstance, this application cannot be maintainable and is accordingly dismissed.

However, the petitioner is directed to surrender in the court below within four weeks from today and seek regular bail,



if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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