

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74698 of 2018

Arising Out of PS. Case No.-179 Year-2018 Thana- MADHUBAN District- East Champaran

Wakil Ray Son of Yogendra Ray Resident of Villge-Pakaria, P.S. Madhuban,
District- East Champaran, At Present R/o Village- Jogauliya Tola Palat, P.S.
Madhuban, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Sri Surendra Prasad Singh

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 Madhuban P.S. Case No.179 of 2018, disclosing offences under Sections 272,273 of the Indian Penal Code and 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 four weeks from today and seek 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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