

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69522 of 2018

Arising Out of PS. Case No.-235 Year-2018 Thana- UCHKAGAON District- Gopalganj

1. Suresh Singh and Anr Son of Late Mahavir Singh, Resident of Village- Ekdarwa, P.S. Uchkagaon, District- Gopalganj.
2. Vikash Kumar Son of Ramakant Singh, Resident of Village- Harkhauli, P.S. Mirganj, District- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 24-04-2019 No one appears on behalf of the petitioners.

By an order dated 19.12.2018, passed in the present case, prayer of anticipatory bail made on behalf of the petitioner was rejected as not maintainable, taking note of of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, which puts a bar on application of Section 438 of the Criminal Procedure Code, in relation to any case involving the arrest of any person on accusation of having committed an offence under the said Act. The said order was assailed before the Supreme Court by the petitioner No.2 giving rise to Special Leave to Appeal (Criminal) No. 2581 of 2019, which has been disposed of by order dated 26.03.2019, which reads thus;



“We are not inclined to interfere with this Special Leave petition.

The Special Leave Petition is dismissed with liberty to the petitioner to pursue remedy of regular bail, if so advised. The same be filed within two weeks’ from today.

No coercive action be taken against the petitioner for two weeks or till filing of regular bail application, whichever is earlier, in connection with the F.I.R. No. 235 of 2018 dated 02.09.2018, registered at police Station Uchakagon, District Gopalganj, Bihar.

Pending applications, if any stand disposed of.”

For perusal of the said order, the matter has been placed before me. Since there is no representation on behalf of the petitioners, it is not known whether the petitioners have availed the liberty granted by the Supreme Court or not.

No further order need be passed.

(Chakradhari Sharan Singh, J)

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