

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74688 of 2018

Arising Out of PS. Case No.-531 Year-2017 Thana- BETTIAH CITY District- West
Champaran

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SUSHIL KUMAR @ SARAL SUSHIL KUMAR, Son of Lakshman Ram,
Resident of Village- Baswariya, P.S.- Nagar Bettiah, District- West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Sri Manish Kumar 2

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 21-12-2018

Heard learned counsel for the parties.

The application for anticipatory bail arises out of Bettiah Town P.S. Case No. 531 of 2017, disclosing offences 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.

Learned counsel for the petitioner has, however, submitted that only allegation against this petitioner is that one



litre of country-made liquor, 1 kg of Urea and 4 kgs of Molasses were recovered from his possession, leading to his implication in this case.

In the facts and circumstances of the case, it is directed that 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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