

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.74304 of 2018

Arising Out of PS. Case No.-505 Year-2018 Thana- SAUR BAZAR District- Saharsa

1. Ramdev Kumar @ Ramdev Sutihar S/o Late Satto Sutihar
2. Subash Kumar S/o Baso Sutihar Both re R/o Village Bhagwanpur,P.S. Sour Bazar,Distt.-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi

For the Opposite Party/s : Mr.Smt. Meena Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

This is an application for grant of anticipatory bail on behalf of the petitioners in connection with Special Case No. 462 of 2018 arising out of Sour Bazar P. S.Case No. 505 of 2018, disclosing the offence under 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 maintained and is accordingly dismissed.

However, the petitioners are directed to surrender in the court below within four weeks from today and seek regular



bail, if so advised. If they do so, the court below shall consider their 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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