

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73152 of 2018

Arising Out of PS. Case No.-372 Year-2018 Thana- GANDHIMAIDAN District- Patna

Bhim Kumar @ Parvendra Kumar Rai, S/o Umesh Rai, Resident of Lavapur
Mahnar, P.S.- Mahnar, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramod Kumar Singh
For the Opposite Party/s : Mr. Sri Madhuranand Jha

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

ORAL ORDER

2 19-12-2018

Heard learned counsel for the parties.

The application for anticipatory bail arises out of Gandhi Maidan P.S. Case No. 372 of 2018, disclosing offences 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 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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