

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73068 of 2018

Arising Out of PS. Case No.-164 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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Pramod Yadav, Son of Visheswar Yadav, Resident of Village- Kespi, P.S.-
Dobhi, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

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

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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 Excise Case No. 164 of 2018, disclosing offences under Sections 30(d) and 56(d) of the Bihar Excise and Prohibition Act, 2016 and Sections 2 e,3,5 and 13 of Mahua Flower Rules, 2006.

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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