

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3682 of 2019

Arising Out of PS. Case No.-327 Year-2018 Thana- MAIRWAN District- Siwan

1. Komal Pasi son of Swaminath Pasi Resident of village-Bisunpura Bazar, P.S-Mairwa, District-Siwan
2. Kanhaiya Pasi son of Swaminath Pasi Resident of village-Bisunpura Bazar, P.S-Mairwa, District-Siwan
3. Sharda Devi wife of Late Krishna Pasi Resident of village-Bisunpura Bazar, P.S-Mairwa, District-Siwan
4. Loha Pasi son of Shankar Pasi Resident of village-Bisunpura Bazar, P.S-Mairwa, District-Siwan
5. Santosh Pasi son of Vishwanath Pasi Resident of village-Bisunpura Bazar, P.S-Mairwa, District-Siwan

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Pandey
For the Opposite Party/s : Mr.Rajeev Nayan(App231)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-01-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Mairwa P.S. Case No. 327 of 2018, disclosing offence under Section 30(a), 30(d), 38(i) and 38(ii) of Bihar Prohibition and Excise Act, 2016.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016, bars application of Section 438 of the Criminal Procedure Code. Based on the allegation made in the First Information Report, a case under the Act is made out in my opinion.

In that view of the matter, this application cannot be



maintained and is accordingly dismissed.

However, the petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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