

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3668 of 2019

Arising Out of PS. Case No.-118 Year-2018 Thana- BANGAWON District- Saharsa

Nishant Shekhar @ Subodh Yadav son of Chandeshwari Yadav Resident of
Village- Rahuamani, P.S.- Bangaon, District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

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

ORAL ORDER

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

This application for grant of anticipatory bail arises out of Bangaon P.S. Case No. 118 of 2018 corresponding to Special (Excise) Case No.566 of 2018, disclosing offence under Section 30(a), 38(1) and 41(1) 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.

Learned counsel for the petitioner has submitted that some of the persons have been granted anticipatory bail. The Court does not intend to go into that aspect of the matter since I am satisfied that this application cannot be maintained since in



my view an offence under the provisions of the Act is made out against the petitioner.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his 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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