

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.4803 of 2019

Arising Out of PS. Case No.-374 Year-2018 Thana- DHAKA District-

RAKESH YADAV S/o Jagarnath Yadav @ Jagarnath Rai @ Jagar Nath Kapar
Resident of village-Mahangua , P.S-Kundwa chainpur District-East
Champanan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dhaka (Pachpakari) P.S. Case No. 374 of 2018, disclosing offence under Section 414 of the Indian Penal Code and Section 30(a) 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 Section 30(a) of 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 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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