

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4806 of 2019

Arising Out of PS. Case No.-339 Year-2018 Thana- CHANPATIA District- West Champaran

Lalu Mahto Jawahir Mahto Resident of Village-Grabhuwa, Lala Tola P.O.-
Turhapatti, P.S.-Chanpatiya, Sirisiya (O.P), District-West Champaran

... .. Petitioner

Versus

The State Of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 26-02-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Chanpatia (Sirisia O.P.) P.S. Case No. 339 of 2018, disclosing offences under Sections 467, 468, 471, 414 of the Indian Penal Code and Sections 30(a)/30(b) of the Bihar Prohibition and Excise Act, 2016.

On perusal of the case diary, I am of the view that it cannot be said that no offence at all is made out against the petitioner for commission of offence under Sections 467, 468, 471, 414 of the Indian Penal Code and Sections 30(a)/30(b) of the 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.

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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