

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3680 of 2019

Arising Out of PS. Case No.-623 Year-2018 Thana- ARA NAGAR District- Bhojpur

Shailesh Kumar Yadav son of Tej Bahadur Yadav @ Tes Bahadur Yadav
Residet of Mohalla- Maharan toli, Mahadeva Road, P.S- Ara Nagar, District-
Bhojpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shiv Prasad Gupta
For the Opposite Party/s : Mr.Syed Mojibur Rahman

**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 Ara Town P.S. Case No. 623 of 2018, Excise Case
No.1711 of 2018, disclosing offence under 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, considering the case of the prosecution that



only one bottle of liquor was seized by the police, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seek regular bail, 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 on the same day.

(Chakradhari Sharan Singh, J)

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