

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7136 of 2019

Arising Out of PS. Case No.-485 Year-2017 Thana- BARACHATTI District- Gaya

=====

Ajay Kumar Gupta @ Ajay Gupta, S/O Chandrabhan Prasad, Resident of Bari Chauraha, P.S-Maner, Distt.-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi

For the Opposite Party/s : Ms. Pushpa Sinha

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-02-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Barachatti Police Station Case No. 485 of 2017, disclosing offences under Sections 30(a), 38 and 47 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

On reading the First Information Report, I noticed that offences under Sections 30(a), 38 and 47 of the Act is made out.

Learned Counsel appearing on behalf of the petitioner has submitted that he has been implicated only because the car, which was being used for commission of offence, belongs to this petitioner and that his name has been disclosed by other co-



accused person, who was arrested. He has also argued that similarly circumstanced co-accused, Madan Yadav, has been granted anticipatory bail by order, dated 10.01.2018, passed in Criminal Misc. No. 1202 of 2018.

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered, without being prejudiced by the present order of dismissal, on the same day. The Court will keep in mind the fact while considering the petitioner's application for grant of regular bail that other co-accused person has been granted anticipatory bail by this Court.

(Chakradhari Sharan Singh, J.)

ragini/-

U			
---	--	--	--

