

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5153 of 2019

Arising Out of PS. Case No.-304 Year-2017 Thana- PHULPARAS District- Madhubani

Anokhi Ram, son of Late Domi Ram, Resident of Village- Belha Chamartoli,
P.S.- Phulpras, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Gagan Deo Yadav
For the Opposite Party/s : Mr. Ramesh Chandra

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 30-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Phulpras Police Station Case No. 304 of 2017, disclosing offence under Sections 272 and 273 of the Indian Penal Code and Sections 30(a), (d)/38 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as 'the Act').

On perusal of the First Information Report, I find that offences under the provision of the Act is made out. There being clear bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

Learned Counsel for the petitioner has relied on an



order, dated 30.11.2018, passed in Criminal Misc. No. 70903 of 2018, whereby similarly situated co-accused persons have been granted anticipatory bail by this Court.

On perusal of the said order, dated 30.11.2018, It is manifest that question of maintainability of anticipatory bail application was not taken into consideration.

However, in the facts and circumstances of the case, it is directed that if the petitioner, Anokhi Ram, surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered and decided on the same day, keeping in mind that in similar situation, other co-accused persons have been granted anticipatory bail by this Court.

(Chakradhari Sharan Singh, J.)

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