

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10754 of 2019

Arising Out of PS. Case No.-517 Year-2018 Thana- BARAUNI District- Begusarai

GAURAV KUMR @ GAURAV SINGH @ GAURAV KUMAR S/o Late
Muneshwar Ray Resident of Village- Baro Salempur tola, Ward No- 9 Police
Station- Barauni (Garhara), District- Begusari.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Sharma

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-02-2019 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Barauni (Garhara) P.S. Case No. 517 of 2018, disclosing the offence under Section 30/30(a) of the Bihar Prohibition and Excise Act, 2016 (hereinafter to be referred to as 'the Act').

Mr. Manish Kumar, learned counsel, appearing on behalf of the petitioner, has attempted to convince this Court that no offence under the provisions of the Act is made out and, therefore, this application for grant of anticipatory bail is maintainable. I am not convinced with his submission. He has also drawn my attention to the order of this Court dated 13.02.2019, passed in Cr. Misc. No. 7850 of 2019, whereby one co-accused Surendra Kumar @ Surendra Kumar Sahni @



Surendra Sahni has been granted anticipatory bail. From the said order dated 13.02.2019, it appears that the question of maintainability of the anticipatory bail application has not been gone into. Further, the petitioner of this case has criminal antecedent, whereas the petitioner of said Cr. Misc. No. 7850 of 2019 did not have any criminal antecedent.

In view of aforesaid, the application is rejected.

The petitioner is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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