

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7922 of 2019

Arising Out of PS. Case No.-269 Year-2018 Thana- DIGHWARA District- Saran

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1. GAJA RAI Son of Pachu Rai Resident of Village - Aami Chauhani Patti P.S. Dighwara Distt- Saran at Chapra
 2. Niraj Rai Son of Pachu Rai Resident of Village - Aami Chauhani Patti P.S. Dighwara Distt- Saran at Chapra
 3. Binod Mahto Son of Bharat Mahto Resident of Village - Aami Chauhani Patti P.S. Dighwara Distt- Saran at Chapra

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rajani Kumari

For the Opposite Party/s : Mr.Anita Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-02-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dighwara P.S. Case No. 269 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, the petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their 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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