

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10755 of 2019

Arising Out of PS. Case No.-189 Year-2018 Thana- DARBHANGA District- Darbhanga

SHANKAR MAHTO @ SHANKAR KUMAR son of late Ramchandra
Mahot @ Nepali Mahto Resident of Village - Subhankarpur,P.S-Darbhang
Town,dist- Darbhanga

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Kumar Mishra
For the State : Dr. Indihar Kumari, APP

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

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

The is an application for grant of anticipatory bail in
connection with G.O. Case No. 848 of 2018 arising out of
Town P.S. Case No. 189 of 2018, disclosing offences under
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the courtyard of the petitioner, the police are
said to have seized four bottles of foreign liquor, each
containing 750 ml of alcohol.

On the basis of the prosecution report, I find that
Sections 76(2) of the Bihar Prohibition and Excise Act, 2016
bars the exercise of power under Section 438 of the Cr. P.C. for
grant of anticipatory bail. In such circumstance, this application
cannot be maintained and is accordingly dismissed.



However, 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 on the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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