

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.8057 of 2019

Arising Out of PS. Case No.-426 Year-2018 Thana- DARIYAPUR District- Saran

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AJAY RAI @ AJAY KUMAR RAI, aged about 26 years, Gender-Male, Son of Prameshwar Rai Resident of Village - Nawal Tola, P.S.-Dighwara, District-Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dewendra Narayan Singh

For the Opposite Party/s : Mr.Ajay Kumar

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-02-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Dariyapur P.S. Case No. 426 of 2018, disclosing offences under Sections 30, 30(a), 38 and 41 of the 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 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 petitioner is directed to surrender before



the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his 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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