

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10452 of 2019

Arising Out of PS. Case No.-655 Year-2018 Thana- KANTI THARMAL POWER District-
Muzaffarpur

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SANJEET KUMAR MAHTO @ SANJEET KUMAR son of Late Devnandan
Mahto Resident of Village-Sirsia, P.S.- Kanti, District -Muzaffarpur
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Shashi Bhushan Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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

ORAL ORDER

2 22-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Kanti P.S. Case No. 655 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 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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