

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10152 of 2019

Arising Out of PS. Case No.-670 Year-2018 Thana- JAMUI District- Jamui

CHUNCHUN RAM Son of Basant Ram Resident of Village - Bhukhad
Mohalla, P.S.- Jamui, District- Jamui.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Sinha

For the Opposite Party/s : Mr.Sucheta Yadav

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

ORAL ORDER

2 20-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Jamui P.S. Case No. 670 of 2018, disclosing offence under Section 30 and 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.

Learned counsel for the petitioner has, however,



submitted that the petitioner's name has surfaced on the basis of disclosure of unidentified persons, as is evident from the First Information Report. The recovery has not been made from a place, which belongs to the petitioner.

Considering the above, 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, on the same day.

(Chakradhari Sharan Singh, J)

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