

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9062 of 2019

Arising Out of PS. Case No.-470 Year-2018 Thana- BAGHA District- West Champaran

BIRENDRA YADAV Son of Naresh Yadav Resident of Village- Kailash
Nagar, P.S.- Bagaha, Path Khauli, District- West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Gupta

For the Opposite Party/s : Mr.Manoj Kumar

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

ORAL ORDER

2 15-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Bagaha Path Khauli P.S. Case No. 470 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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