

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16391 of 2019

Arising Out of PS. Case No.-640 Year-2018 Thana- TURKAULIYA District- East
Champaran

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MOTIUAR RAHMAN S/o Shobhan Mian resident of A.M. Road P.S.
Balirampur, Distt.-South Bilashpur, W.B.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : None

For the Opposite Party/s : Mr.Md. Anbzarul Haque Sahara

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

ORAL ORDER

11 27-09-2019 Heard learned counsel appearing on behalf of the

petitioner and learned Additional Public Prosecutor for the State

is present.

This application for grant of anticipatory bail arises
out of Turkauliya (Banjariya) P.S. Case No. 640 of 2019,
disclosing offence under Sections 272 and 273/34 of the Indian
Penal Code and Sections 30(a), 38 and 41 of Bihar Prohibition
and Excise Act, 2016.

Though by order dated 15.03.2019 case diary was
called for, which has been received, however, in view of the Full
Bench decision of this Court in case of ***Ram Vinay Yadav Vs.
The State of Bihar***, reported in **2019(2) PLJR 1089 (F.B.)**, and
the provisions under Section 76(2) of the Bihar Prohibition and
Excise Act, 2016, this application for anticipatory bail cannot be



maintained.

This application is accordingly dismissed as not maintainable.

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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