

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10156 of 2019

Arising Out of PS. Case No.-106 Year-2018 Thana- SANJHOLI District- Rohtas

MANTU CHAUDHARY @ DHIRENDRA CHAUDHARY Son of Janardan
Chaudhary Resident of Majhauili, P.S.- Sanjhauili, District- Rohtas.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Gajanan Mishra

For the Opposite Party/s : Mr.Nitya Nand Tiwary

**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 Sanjhauili P.S. Case No. 106 of 2018, disclosing offence under Section 30(a) and 30(C) 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, considering the circumstance that on the



allegation that seven bottles of 180 ml of foreign liquor were recovered from the petitioner's house, which is the basis for registration of First Information Report, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seek regular bail, 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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