

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10730 of 2019

Arising Out of PS. Case No.-328 Year-2018 Thana- ROHTAS District- Rohtas

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1. Jokhan Singh son of Doman Singh Resident of Village - Tumba, P.S and Dist.-Rohtas
 2. Takal Singh @ Rajesh Kumar Singh Son of Nagina Singh Resident of Village - Rajitganj, P.S. and Dist.-Rohtas

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar Singh

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-02-2019 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Rohtas P.S. Case No. 328 of 2018, disclosing the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On the basis of the prosecution report, I find that Sections 76(2) of the Bihar Prohibition and Excise Act, 2016 bars the exercise of power under Section 438 of the Cr. P.C. for grant of anticipatory bail. In such circumstance, this application cannot be maintained and is accordingly dismissed.

However, the petitioners are directed to surrender in the court below within four weeks from today and seek regular



bail, if so advised. If they do so, the court below shall consider their prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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