

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9355 of 2019

Arising Out of PS. Case No.-820 Year-2017 Thana- BARACHATTI District- Gaya

ANJALI DEVI Wife of Sunil Choudhary Resident of Village - Pareya P.S. -
Barachatti, District - Gaya.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Mishra
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Barachatti P.S. Case No. 820 of 2017, disclosing offence under Section 30(a), 38 and 47 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 fact that there is allegation



of recovery from the house of the wife of Sunil Choudhary and Sunil Choudhary has not been made accused, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, if so advised so, her 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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