

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.9840 of 2019**

Arising Out of PS. Case No.-298 Year-2018 Thana- HISUWA District- Nawada

SANTOSH CHAUDHARY S/o Basant Chaudhary Resident of village-Tungi  
Chak, P.S-Hisua, District-Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Krishna Deo Raj

For the Opposite Party/s : Mr. R.B.Roy 'Raman', APP

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

ORAL ORDER

2      19-02-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises  
out of Hisua P.S. Case No. 298 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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