

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12986 of 2019

Arising Out of PS. Case No.-138 Year-2018 Thana- ABADPUR District- Katihar

1. TARA DEVI Wife of Sohel @ Sohan Lal Das Resident of GwalToli, Deriya Para, P.S.- Abadpur, District - Katihar
2. Dukhi Devi Wife of Devanand Das Resident of GwalToli, Deriya Para, P.S.- Abadpur, District - Katihar

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Renuka Ratnakar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 05-03-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Abadpur P.S. Case No. 138 of 2018, disclosing offence under Section 353 and 504/34 of the Indian Penal Code and 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 petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their 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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