

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.10735 of 2019

Arising Out of PS. Case No.-1 Year-2004 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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MADAN SAHANI Son of Kuis Sahani Resident of Village - Majhar Godhia
Tola, P.S.- Pakari Dayal, Distt - East Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhurendra Kumar
For the Opposite Party/s : Mr.Pushpa Sinha. I

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

The is an application for grant of anticipatory bail in connection with Trial No. 1537 of 2017 arising out of Excise Case No. 01 of 2004, disclosing the offence under Section 47(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 petitioner is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his



prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

HR/-

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