

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12675 of 2019

Arising Out of PS. Case No.-135 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Khagaria

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Ajay Chaudhary, Son of Kusho Choudhary Resident of Village - Chhoti
Jhitkaiya, P.S.- Maheshkhunt, District - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Kashyap
For the Opposite Party/s : Mr. Nagendra Prasad

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

ORAL ORDER

2 01-03-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Excise Case No. 135-C3 of 2018, disclosing offences under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2016.

The petitioner is said to have fled away, on seeing the
Police leaving behind two bottles, each having capacity of two
liters filled with countrymade liquor, which were seized. The
police are also said to have recovered certain articles/ingredients
from behind the house of the petitioner, which could be used for
preparation of country-made liquor.

Section 76(2) of the Bihar Prohibition and Excise Act,
2016, bars application of Section 438 of the Criminal Procedure
Code.



In that view of the matter, this application cannot be maintained and is accordingly dismissed.

However, considering the small quantity of liquor, 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, their application for regular bail shall be considered on the same day 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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