

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11125 of 2019

Arising Out of PS. Case No.-358 Year-2018 Thana- HUSSAINGANJ District- Siwan

MAHESH KUMAR @ MAHESH KUMAR SAH Son of Dinanath Sah
Resident of Village - Aranda, P.S.- Husainganj, M.H. Nagar, Distt.- Siwan
... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar
For the Opposite Party/s : Mr.Meena Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Hussainganj M.H. N.(M.H.Nagar) P.S. Case No. 358 of 2018, disclosing offence under Sections 272, 273, 420/34 of the Indian Penal Code and Section 30(a), 38 and 41(1) 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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