

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11533 of 2019

Arising Out of PS. Case No.-1 Year-2019 Thana- BASANTPUR District- Siwan

SHIV NARAYAN RAY Son of Late Palak Ray Resident of Village - Basaon
Nagri Tola, P.S.- Basantpur, Distt - Siwan.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Mishra

For the Opposite Party/s : Mr.Nagendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-02-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Basantpur P.S. Case No. 01 of 2019, disclosing offence under Sections 272, 273 and 308 of the Indian Penal Code and Section 30 and 38 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 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, considering the small quantity of country



made liquor recovered, 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, on the same day.

(Chakradhari Sharan Singh, J)

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