

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13505 of 2019

Arising Out of PS. Case No.-522 Year-2018 Thana- BIKRAMGANJ District- Rohtas

1. RITESH GUPTA @ TUN TUN GUPTA @ Ritesh Kumar Gupta Son of Late Ram Naresh Sah Resident of Village - Keshodih, PS- Bikarmganj, Distt - Rohtas at Sasaram.
2. Nitesh Gupata @ Munna @ Nitesh Kumar Gupta, Son of Late Ram Naresh Sah Resident of Village - Keshodih, P.S.- Bikarmganj, Distt - Rohtas at Sasaram.
3. Bikrama Prasad Son of Ganesh Sah Resident of Village - Keshodih, P.S- Bikarmganj, Distt - Rohtas at Sasaram.
4. Rameshwar Sah Son of Late Ram Sewak Sah Resident of Village - Keshodih, PS- Bikarmganj, Distt - Rohtas at Sasaram.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Dharmendra Kumar Singh
For the Opposite Party/s : Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-03-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bikramganj P.S. Case No. 522 of 2018, disclosing offence under Section 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

On perusal of the First Information Report, it appears that in view of the nature of recoveries made by the police, offence punishable under Section 30(a) of Bihar Prohibition and Excise Act, 2016 is made out against petitioners No. 1 and 2.



In such view of the matter, this application to the extent it relates to petitioners No. 1 and 2 cannot be maintained in view of Section 76(2) of the Bihar Prohibition and Excise Act, 2016, which bars application of Section 438 of the Criminal Procedure Code.

However, the petitioners No. 1 and 2 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.

So far as petitioners No. 3 and 4 are concerned, I am unable to appreciate as to what made them file this anticipatory bail application. There is no allegation against them in the body of the First Information Report and only in the concluding portion of the body of the First Information Report, role of relations of petitioners No. 1 and 2 has been indicated to be suspicious. I am of the view that petitioners No. 3 and 4 should not have any apprehension of arrest by the police in the absence of any allegation against them as they have not even been named in the First Information Report.

This application is disposed of with the observations



as above.

(Chakradhari Sharan Singh, J)

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