

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14699 of 2019

Arising Out of PS. Case No.-221 Year-2017 Thana- BAIKUNTHPUR District- Gopalganj

SHATRUDHAN SAH @ SHATRUGHAN SAH son of Madai Sah, Resident
of Village- Katalpur, Police Station- Baikunthpur, District- Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Amarendra Prasad

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

ORAL ORDER

2 11-03-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Baikunthpur P.S. Case No. 221 of 2017, disclosing
offence under Section 272 and 272 of the Indian Penal Code and
Sections 30(a), 36 and 37 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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