

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22094 of 2019

Arising Out of PS. Case No.-326 Year-2018 Thana- TEGHRHA District- Begusarai

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VIMLI DEVI Wife of Yogendra Choudhary Resident of Village - Hasanpur,
P.S.- Teghra, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Opposite Party/s : Mr.Rajendra Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 08-04-2019 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Teghra P.S. Case No. 326 of 2018, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

On the basis of the prosecution report, I find that Sections 76(2) of the Bihar Prohibition and Excise Act, 2016 bars the exercise of power under Section 438 of the Cr. P.C. for grant of anticipatory bail. In such circumstance, this application cannot be maintained and is accordingly dismissed.

However, since it is evident from the FIR that the police are said to have recovered a total of 395 ml of foreign liquor, it is directed that if the petitioner surrenders in the court below within four weeks from today and seeks regular bail, if so



advised, the court below shall consider her prayer for regular bail and dispose it of on the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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