

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20995 of 2019

Arising Out of PS. Case No.-30 Year-2019 Thana- BAJPATTI District- Sitamarhi

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1. DINESH MAHTO @ DINESH SHRIVASTAVA Son of Ram Chandra Mahto Resident of Village- Genpur, P.S.- Bajpatti, District- Sitamarhi.
 2. Sunil Mahto Son of Ram Chandra Mahto Resident of Village- Genpur, P.S.- Bajpatti, District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Jha

For the Opposite Party/s : Mr.Tarkeshwar Nath Thakur

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

This application for anticipatory bail arises out of Baijpatti P.S. Case NO. 30 of 2019, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per the First Information Report, the petitioners had entered into some scuffle with the informant of Bajpatti P.S. Case No. 29 of 2019. The petitioners and another persons are said to have fled away when the local people arrived, leaving their motorcycle. From the motorcycle owned by the petitioners, the police are said to have recovered two bottles of foreign liquor.

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 foreign liquor alleged to have been recovered, it is directed that if the petitioners surrender before the Court below within four weeks from today and seek regular bail, their regular bail shall be considered and decided on the same day.

(Chakradhari Sharan Singh, J)

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