

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.80315 of 2018**

Arising Out of PS. Case No.-849 Year-2018 Thana- FORBESGANJ District- Araria

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1. Sunil Das @ Sushil Das and Anr S/o Basudeo Das,
  2. Manoj Thakur, S/o Suresh Thakur, Both residents of Village Kali Mela Road Forbesganj, P.S. Forbesganj, District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Abhijeet Gautam

For the Opposite Party/s : Mr.Smt. Sharda Kumari

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

ORAL ORDER

2      24-01-2019                      Heard learned counsel for the parties.

This application for anticipatory bail arises out of Forbesganj Police Station Case No. 1394 of 2018, disclosing offences punishable under Section 30(a) of the 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 Sections 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 petitioners 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.

**(Chakradhari Sharan Singh, J)**

Ashish/-

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