

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80222 of 2018

Arising Out of PS. Case No.-103 Year-2018 Thana- SIMRI District- Darbhanga

Prince Kumar @ Prince Kumar Paswan S/oVijay Paswan R/moh-Dharmpur,Laxmisagar,P.S-Sadar,Distt.-Darbhanga.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Das
For the Opposite Party/s : Mr.Md. Fahimuddin

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 21-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of G.O. P.S. Case No. 648 of 2018 arising out of Simri P.S. Case No. 103 of 2018, disclosing offences under Sections 272/273 of the Indian Penal Code and 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 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, 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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