

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28345 of 2019

Arising Out of PS. Case No.-70 Year-2019 Thana- TRIVENIGANJ District- Supaul

=====

MUKESH KUMAR, Son of Anmol Yadav, Resident of Village - Lahi, ward
no 3, P.S.- Shankarpur, Distt.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Swapnil Kumar Singh
For the Opposite Party/s : Mr. Md. Matloob Rab

=====

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

ORAL ORDER

2 30-04-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Trivenigunj P.S. Case No. 70 of 2019, disclosing offence under
Section 224 of the Indian Penal Code and Section 37(b)/(c) of
the Bihar Prohibition and Excise Act, 2016.

The petitioner is said to have consumed alcohol.

Learned Counsel appearing on behalf of the petitioner
has submitted that after having been wrongly apprehended by
the police, he was allowed to leave the police station but
incorrect allegation has been alleged in the First Information
Report that he duped the police and fled away.

Since, Section 76(2) of the Bihar Prohibition and
Excise Act, 2016, bars application of Section 438 of the



Criminal Procedure Code, this application cannot be maintained and is accordingly dismissed.

However, keeping in mind the nature of allegation, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail. If he does so, his application for regular bail shall be considered and decided on the same day.

(Chakradhari Sharan Singh, J.)

Ashish/Ragini-

U		T	
---	--	---	--

