

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29799 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- JALALPUR District- Saran

RANJIT MAHTO Son of Dharam Mahto @ Dharam Deo Mahto Resident of
Dharam Mahto, Resident of Village- Inamipur, P.S.- Jalalpur, District- Saran
at Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Akhileshwar Pandey

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

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 07-05-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Jalalpur P.S. Case No. 38 of 2019, disclosing offence under Section 30(a) of 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(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, considering the fact that recovery is of small quantity, it is directed that if the petitioner surrenders



before the Court below within four weeks from today and seeks regular bail, his application for regular bail shall be considered on the same day 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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