

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28347 of 2019

Arising Out of PS. Case No.-161 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gaya

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UDAY SAO Son of Kheman Sao @ Khemchand Sao, Resident of Village-
Tiwary Chak, P.S.- Sherghaty, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shivendra Prasad
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

7 14-08-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Excise Case No. 161 of 2019, disclosing offences under Sections 2(e), 3, 5 and 13 of Bihar (Mahua Flowers) Rules 2006.

There is a question as to whether this anticipatory bail application can be maintained or not, in view of bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act'). Reference may be made to an order dated 03.05.2019, passed in the present case.

I am of the view that an anticipatory bail application cannot be maintained, in view of bar under Section 76(2) of the Act in case violation of Bihar (Mahua Flowers) Rules 2006 is



alleged.

Leaving the said question aside, considering the facts and circumstances of the case, I dispose of this application with a direction to the petitioner to appear before the court below within four weeks from today and apply for regular bail, if so advised, and if he does so, his application for regular bail shall be considered and disposed of on the same day.

(Chakradhari Sharan Singh, J)

HR/-

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