

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80391 of 2018

Arising Out of PS. Case No.-327 Year-2018 Thana- MAIRWAN District- Siwan

Shanti Devi Yogendra Chaudhary @ Yogindra Pasi Village - Bisunpura Bazar

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh

For the Opposite Party/s : Mr.Sri Binod Kumar 2

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

The application for anticipatory bail arises out of Mairwa P.S. Case No. 327 of 2018, disclosing offences under Sections 272, 273, 308 and 34 of the Indian Penal Code and Sections 30(a), 30(d), 38(i) and 38 (ii) of the Bihar Prohibition and Excise Act, 2016.

On the basis of the prosecution report, I find that Sections 76(2) of the Bihar Prohibition and Excise Act, 2016 bars the exercise of power under Section 438 of the Cr. P.C. for grant of anticipatory bail. In such circumstance, this application cannot be maintained and is accordingly dismissed.

However, if the petitioner surrenders before the court below within four weeks from today and applies for regular bail, her application for regular bail shall be considered and



disposed on the same day, keeping in mind the less quantity of
country-made liquor recovered from her house.

(Chakradhari Sharan Singh, J)

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