

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80386 of 2018

Arising Out of PS. Case No.-254 Year-2018 Thana- DEEPNAGAR District- Nalanda

Raju Kewat Late Lala Kewat Resident of Village- Badri Bigha, Chak Dilawar,
P.S.- Deep Nagar, District - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Sri Mritunjay Kumar Nirala

**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 Deepnagar P.S. Case No. 254 of 2018, disclosing offences under Sections 272, 273 and 291/34 of the Indian Penal Code and Section 30(a) 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, the petitioner is directed to surrender in the court below within four weeks from today and seek regular bail,



if so advised. If he does so, the court below shall consider his prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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