

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80230 of 2018

Arising Out of PS. Case No.-296 Year-2018 Thana- MAHESI District- East Champaran

Lakhindra Sahani Son of Sita Sahani Resident of Village- Kataha Ward No.
13, P.S.- Mehshi, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Chandra Verma

For the Opposite Party/s : Mr.Sri Ram Bachan Singh

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

ORAL ORDER

2 22-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of Mehshi P.S. Case No. 296 of 2018, disclosing offences under Sections 30(a), 37(d) and 38 of the 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 Sections 30 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 case of the prosecution that



the Police recovered one litre of country-made liquor, the petitioner is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered and decided on its own merits on the same day, 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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