

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38818 of 2019

Arising Out of PS. Case No.-35 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Gopalganj

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GUDDU CHAURASIA @ GUDDU KUMAR CHAURASIA Son of Shiv Ji
Chaurasia @ Shiv Ji Prasadi Chaurasiya Resident of Mohalla- Sadhu Chowk,
Saraiya, Ward No.2, Police Station- Gopalganj, Town, District- Gopalganj.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 17-08-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Excise Case No. 35 of 2019, disclosing the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016').

In view of the bar under Section 76(2) of the Act of 2016 and the Full Bench decision rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2) PLJR 1089**, this application cannot be maintained and is accordingly dismissed.

However, in view of the submission made on behalf of the petitioner that admittedly liquor was recovered from a hut



nearby the petitioner's house and on the statement of the petitioner's brother, who is not an accused, the petitioner has been implicated, it is directed that if the petitioner surrenders in the court below within four weeks from today and seeks regular bail, the court below shall consider his prayer for regular bail the same day without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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