

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34804 of 2019

Arising Out of PS. Case No.-41 Year-2019 Thana- HUSSAINGANJ District- Siwan

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DABLU CHOUDHARY Son of Sadhu Pasi @ Jay Narayan Choudhary
Resident of Village - Hashanpura, P.S.- M.H. Nagar, Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Shashi Shekhar Kishore

For the Opposite Party/s : Mr.Rajeev Nayan (APP 231)

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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 Hussainganj P.S. Case No. 41 of 2019, disclosing offences under Sections 272, 273, 420 and 34 of the Indian Penal Code and 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 allegation that from the petitioner's house two litre of illicit liquor was allegedly



recovered, 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 the same on its own merit the same day, keeping in mind the fact that small quantity of illicit liquor was allegedly recovered.

(Chakradhari Sharan Singh, J)

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