

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42861 of 2019

Arising Out of PS. Case No.-288 Year-2018 Thana- BASANTPUR District- Siwan

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LALAN MAHTO Son of Late Ram Pujan Mahto Resident of Village -
Kishunpura Dakshin Tola, P.S.- Basantpur (Lakari Nabiganj O.P.), Distt -
Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mr.Veena Rani Prasad

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-07-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Basantpur P.S. Case No. 288 of 2018, disclosing offences under Sections 272, 273 and 308/34 of the Indian Penal Code and Sections 30(a) & 41(i) 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.

Learned counsel for the petitioner, however, appears to be correct that the information of the A.S.I. of Lakari



Naviganj O.P. is the basis for the petitioner's implication and nothing more.

In such view of the matter, 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 on its own merit, on the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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