

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53114 of 2019

Arising Out of PS. Case No.-252 Year-2019 Thana- JOKIHAT District- Araria

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TINKU MAHALDAR Son of Sukhdev Mahaldar Resident of Village Satdob
Tola Beldouri P.S. Muffasil District- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Prawesh Kumar
For the Opposite Party/s : Mr.Humayou Ahmad Khan

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-08-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Jokihat P.S. Case No. 252 of 2019, giving rise to Special Case No. 790 of 2019, disclosing offences under Sections 272, 273, 279, 427 and 379/34 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, considering the recovery of small quantity



of illicit liquor, it is directed that if the petitioner surrenders in the court below within four weeks from today and seeks regular bail, his application for regular bail shall be considered on its own merit, the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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