

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76237 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Saharsa

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Rajesh Kumar, Son of Laxman Mahto, resident of Village- Solindabad Ward
No. 4, P.S.- Sadar, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh
For the Opposite Party/s : Mr.Sri Ajay Kumar -2

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

ORAL ORDER

3 11-01-2019 This application for anticipatory bail arises out of

Special Excise Case No. 437 of 2018 for the offence under

Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner seeks permission
to withdraw this application. He contends that he has remedy of
appeal under Section 89 of the Bihar Prohibition and Excise
Act, 2016 against the order passed by the learned Special Judge,
Excise Act, Saharsa, rejecting the petitioner's application for
anticipatory bail.

In view of clear bar under Section 76(2) of the Act,
possibly the anticipatory bail application filed before the Court
below itself was not maintainable.

Without commenting upon whether the petitioner has



such remedy of appeal or not, this application is permitted to be withdrawn with the observation that petitioner may avail such remedy as may be found available under the law.

Petitioner may take back the certified copies of the First Information Report and the order passed by the learned Special Judge, Excise Act, Saharsa, rejecting the petitioner's application for anticipatory bail from the Registry.

This application stands dismissed as withdrawn.

(Chakradhari Sharan Singh, J)

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