

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54431 of 2019

Arising Out of PS. Case No.-129 Year-2018 Thana- BARAULI District- Gopalganj

GUDDU RAY Son of Harihar Nath Ray Resident of Village - Sher, P.S.-
Barauli, District - Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Navin Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Barauli P.S. Case No. 129 of 2018, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

There being bar under Section 76(2) of the Act, in my view, this application for anticipatory bail cannot be maintained.

Learned counsel appearing on behalf of the petitioner has drawn my attention to an order of this Court dated 07.08.2018 passed in Cr. Misc. No. 48100 of 2018, whereby this Court has allowed anticipatory bail application in favour of one Aman Ray, a co-accused.

Allegedly, 120.32 liters of wine was recovered from the vehicle of the co-accused Aman Ray. From the said order, however, it appears that the provisions under Section 76(2) of



the Act has not been noticed.

In the peculiar facts and circumstances of the case, since on merits co-accused Aman Ray has been held to be entitled to anticipatory bail, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court, on the same day.

(Chakradhari Sharan Singh, J)

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