

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80253 of 2018

Arising Out of PS. Case No.-705 Year-2018 Thana- GOPALGANJ TOWN District-
Gopalganj

=====

Surendra Mistri @ Surendra Sah Son of Late Ramdhari Sah, Resident of
Village- Basdila Khas, P.S.- Gopalganj Town, Distirct- Gopalganj.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pankaj Kumar Dubey
For the Opposite Party/s : Mr.Sri Iftekhar Mahmood

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

ORAL ORDER

2 22-01-2019 Heard learned counsel for the parties.

This application for anticipatory bail arises out of
Gopalganj Town P.S. Case No. 705 of 2018, disclosing offences
under Section 30(a) of the Bihar Prohibition and Excise Act,
2016.

Section 76(2) of the Bihar Prohibition and Excise Act,
2016, bars application of Section 438 of the Criminal Procedure
Code. Based on the allegation made in the First Information
Report, a case under Sections 30 of the Act is made out, in my
opinion.

In that view of the matter, this application cannot be
maintained and is accordingly dismissed.

However, the petitioner is directed to surrender before



the Court below within four weeks from today and seek regular bail, if so advised. If he does so, 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.

(Chakradhari Sharan Singh, J)

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