

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76815 of 2018

Arising Out of PS. Case No.-195 Year-2018 Thana- BHANGWANPUR HAT District- Siwan

Swaminath Chaudhary, S/o Late Sudarshan Chaudhary, R/o Village- Sakari,
P.S.- Bhagwanpur Hat, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar. null null

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai

For the Opposite Party/s : Mr. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bhagwanpur Hat Police Station Case No. 195 of 2018, disclosing offence under Sections 30(a)/41(i) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

Section 76 (2) of the Act, bars application of Section 438 of the Code of Criminal Procedure, 1973. Based on the allegation made in the First Information Report, a case under Sections 30(a)/41(i) 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, Swaminath Chaudhary, 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 dismissal of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J.)

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