

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76820 of 2018

Arising Out of PS. Case No.-1249 Year-2018 Thana- SASARAM NAGAR District- Rohtas

Bali Yadav @ Balee Yadav @ Hariom Kumar, Son of Jiut Yadav, Resident of
Village- Tendua, P.S.- Darigaon, District- Rohtas.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhaneshwar Prasad Gupta
For the Opposite Party/s : Mr. Kumar Uday Pratap

**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 Sasaram Town (Darigaon) Police Station Case No. 1249 of 2018, disclosing offence under Sections 30(a)/35 of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

Learned Counsel for the petitioner submits that no offence punishable under the provisions of the Act is made out, since the petitioner’s implication is on the basis of disclosure of his name by the persons who were apprehended by the police, who simply said that the person, who was fleeing away, was the petitioner. Over and above this version, there is no allegation in



the First Information Report.

There being bar under Section 76 (2) of the Act, this anticipatory bail application cannot be maintained and is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner, Bali Yadav @ Balee Yadav @ Hariom Kumar surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered on the same day 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.)

ragini/-

U	✓	T	✓
---	---	---	---

