

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1931 of 2019

Arising Out of PS. Case No.-487 Year-2018 Thana- KUDRA District- Bhabhua (Kaimur)

Anuj Kumar Singh @ Tutu Singh, S/o Gokhul Singh Mahto, Resident of
Village-Rampur, P.S.-Kudra, District.-Kaimur (Bhabhua).

... .. Petitioner

Versus

The State Of Bihar

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr.Ram Nath Singh Yadav

For the Respondent/s : Mr.Sri Ram Bilash Roy Raman

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

ORAL ORDER

2 15-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Kudra P.S. Case No. 487 of 2018, disclosing offence
under Section 30(a) of 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.

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.

Learned counsel for the petitioner, referring to First Information Report, has submitted that the name of the petitioner has been mentioned in the First Information Report only on the basis of secret information and in course of enquiry made by the police. The First Information Report does not disclose as to who disclosed the name of the petitioner as one of the persons, who had fled away from the place of occurrence leaving the bottles of illicit liquor behind him.

Considering this aspect of the matter, I direct that if the petitioner surrenders before the Court below within the aforesaid period of four weeks and seeks regular bail, his application should be be disposed of on the same day.

(Chakradhari Sharan Singh, J)

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