

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76816 of 2018

Arising Out of PS. Case No.-256 Year-2017 Thana- KHUSRUPUR District- Patna

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Dhanesh Prasad @ Dhanesh Saw Son of Late Ramji Saw Resident of Bari
Sangat,P.O. & P.S. Khusrupur,Distt.-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikash Kumar Pankaj

For the Opposite Party/s : Mr. Sangeeta Sharma

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**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 Khusrupur Police Station Case No. 256 of 2017, disclosing offence under Section 30(a) 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 Section 30(a) 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, Dhanesh Prasad @ Dhanesh



Saw, 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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