

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80177 of 2018

Arising Out of PS. Case No.-161 Year-2018 Thana- DIDARGANJ District- Patna

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Rakesh Sah S/o Jageshwar Sah, resident of Mohalla- Didarganj, P.S.-
Didarganj, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lal Babu Keshari

For the Opposite Party/s : Mr. Yogendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 16-01-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Didarganj Police Station Case No. 161 of 2018, disclosing offence under Sections 30(a) and 38(i) of Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as ‘the Act’).

On perusal of the First Information Report, in my view, offences under the provisions of Sections 30(a) and 38(i) of the Act is made out.

Learned Senior Counsel appearing on behalf of the petitioner has submitted that registration of First Information Report is based on manipulations.



However, this aspect cannot be gone into the present application for grant of anticipatory bail which is not maintainable under Section 76 (2) of the Act.

This application is, accordingly, dismissed.

However, considering the nature of allegation in the First Information Report, it is directed that if the petitioner, Rakesh Sah, surrenders before the Court below within four weeks from today and applies for regular bail, his application shall be considered without being prejudiced by the present order of dismissal.

(Chakradhari Sharan Singh, J.)

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