

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76852 of 2018

Arising Out of PS. Case No.-179 Year-2018 Thana- CHAUTHAM District- Khagaria

Comrediya @ Alam, S/o Naeemuddin @ Niam Ali, Resident of Village-
Karuwa More, P.S.-Chautham, District-Khagaria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Binod Kumar

For the Respondent/s : Mr.Sri Amrendra Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-01-2019 Heard the learned counsel for the parties.

This application for anticipatory bail arises out of Chautham P.S. Case No. 179 of 2018, G.R. No. 2542 of 2018, disclosing offences under Section 30(a) of the Bihar Prohibition and Excise Act.

Section 76(2) of the Bihar Prohibition and Excise Act, 2016, bars application of Section 438 of the Criminal Procedure Code, Based on the allegation made in the first information report, a case under Sections 30 of the Act is made out, in my opinion.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

From the first information report, I find that the



petitioner's name has been mentioned by the Police on the basis of information received by them, which is completely vague.

In view of the above, it is directed that, if the petitioner surrender before the court below within four weeks and seeks regular bail, his application shall be considered and decided on the same day on its own merit, without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court and keeping in mind aforesaid observation.

(Chakradhari Sharan Singh, J)

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