

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.76819 of 2018

Arising Out of PS. Case No.-462 Year-2018 Thana- HAJIPUR SADAR District- Vaishali

1. Rajesh Paswan Son of Maran Paswan @ Madan Paswan
2. Maran Paswan @ Madan Paswan Son of Bhola Paswan Both Resident of Village-Panapur Langa, P.S. Sadar Hajipur, District-Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Opposite Party/s : Ms. Indu Kumari Srivastava

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-01-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Hajipur Sadan Police Station Case No. 462 of 2018, disclosing offence under Sections 272/273 of the Indian Penal Code and Sections 30(a), 40(1), (ii), (v), (viii) 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 Sections 30(a), 40(1), (ii), (v), (viii) 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 petitioners, Rajesh Paswan and Maran Paswan @ Madan Paswan, is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their 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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