

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81461 of 2019

Arising Out of PS. Case No.-213 Year-2019 Thana- BIBHUTIPUR District- Samastipur

Nitish Kumar @ Jhari Lal Son of Ramesh Prasad Singh Resident of
Muhammadpur Sakra Tola Muria Sthan, P.S.- Bibhutipur, Disrict Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Jay Prakash Sharma, Advocate
For the Opposite Party : Mr.Braj Kishore Pd., APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

2 11-12-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor appearing on behalf of the State.

The petitioner is apprehending arrest in connection
with Bibhutipur P.S. Case No. 213 of 2019 for offence under
Sections 272 and 273 of the Indian Penal Code and Section 30(a)
of the Bihar Prohibition and Excise Act, 2016.

In view of the statutory provisions prescribed under
sub-section (2) of Section 76 of the Bihar Prohibition and
Excise Act, 2016, the present application for anticipatory bail is
not maintainable, and as such, the Court is not inclined to
entertain the application.

However, liberty shall be available to the petitioner to
surrender before the Court below and pray for regular bail.

If the petitioner surrenders and prays for regular bail,



the Court below is directed to strictly adhere to the principles laid down by this Court in the case of **Ashok Sahani Vs. The State of Bihar, vide order dated 07.07.2017 passed in Cr. Misc. No. 26109 of 2017** and dispose of the application for regular bail filed on behalf of the petitioner on the same day.

With the aforesaid, this anticipatory bail application stands disposed of.

(Anil Kumar Upadhyay, J)

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