

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80377 of 2018

Arising Out of PS. Case No.-130 Year-2018 Thana- SARAI District- Vaishali

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Ajay Rai @ Ajay Kumar son of Girwaldhari Rai, Resident of Village Mansurpur P.S.- Saral, District - Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Sri Madhuranand Jha

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 24-01-2019 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Sarai P.S. Case No. 130 of 2018, disclosing offences under Section 414/34 of the Indian Penal Code and Sections 30(a) and 35(a) of the the Bihar Prohibition and Excise Act, 2016.

On the basis of the prosecution report, I find that Sections 76(2) of the Bihar Prohibition and Excise Act, 2016 bars the exercise of power under Section 438 of the Cr. P.C. for grant of anticipatory bail. In such circumstance, this application cannot be maintained and is accordingly dismissed.

However, the petitioner is directed to surrender in the court below within four weeks from today and seek regular bail, if so advised. If he does so, the court below shall consider his



prayer for regular bail on its own merit, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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