

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.781 of 2019

Arising Out of PS. Case No.-724 Year-2018 Thana- BARACHATTI District- Gaya

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Amit Kumar Son of Awadhesh Singh, Resident of Village - Uchauli,
Nagartoiawan, P.S. Khijarsarai, District- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Deepak Kumar

For the Opposite Party/s : Mr.Smt. Anita Kumari

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 25-01-2019 Heard learned counsel for the parties.

The application for anticipatory bail arises out of Barachatti P.S. Case No. 724 of 2018, disclosing offences under Section 30(a), 38 and 47 of 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. It 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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