

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6410 of 2020

Arising Out of PS. Case No.-247 Year-2019 Thana- MAHESI District- East Champaran

VINOD PATHAK @ VINOD KUMAR PATHAK Son of Shatrudhan Pathak
@ Nathuni Pathak Resident of Village-Marubad, P.S.-Mahesi (Jaibajrang
Chowk O.P), District-East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh

For the Opposite Party/s : Mrs. (Dr.) Indihar Kumari

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

2 10-06-2020 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Mahesi (Jaibajrang Chowk O.P.) P.S. Case No. 247 of
2019, disclosing offence under Section 30(a) of Bihar
Prohibition and Excise Act, 2018.

Learned counsel for the petitioner states that co-
accused Chandra Mohan Pathak has been allowed anticipatory
bail by an order dated 24.02.2020, passed in Cr. Misc. No. 803
of 2020. He has submitted that the petitioner's case is identically
situated.

He has, however, not been able to satisfy this Court
that despite bar under Section 76(2) of the Bihar Prohibition and



Excise Act, 2016, this application can be maintained.

The said aspect has not been gone into by this Court in the order dated 24.02.2020, passed in Cr. Misc. No. 803 of 2020.

This application, in my opinion, cannot be maintained and is accordingly dismissed.

However, considering the submission to the aforesaid extent made on behalf of the petitioner, it is directed that if petitioner surrenders before the Court below within four weeks from today and seeks regular bail, his application for regular bail shall be considered on its own merit on the same day without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Rajesh/-

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