

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18362 of 2020

Arising Out of PS. Case No.-7 Year-2010 Thana- GOVERNMENT OFFICIAL COMP.
District- Nalanda

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BAHADUR KEWAT, S/o Chandu Kewat, Resident of Village - Chackdilawar,
P.S. - Deep Nagar, Distt. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bishwa Bijay Kumar, Advocate
For the Opposite Party/s : Md. Mushtaque Alam, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 03-12-2020 The matter has been taken up through virtual Court proceeding.

Let the defects, if any, be removed within two weeks of the start of the physical Court.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 47(A) of the Excise Act.

The case is of the year 2010.

The impugned order reveals that learned 3rd Additional Sessions Judge-cum-Special Judge (Excise), Nalanda at Bihar Sharif has refused prayer for anticipatory bail considering the provisions of Section 76 of the Bihar



Prohibition and Excise Act, 2016 which was not applicable at the time of occurrence. Hence, the impugned order is set aside and the matter is remitted back to the learned Court below to pass fresh order according to law.

Accordingly, this application stands disposed of in connection with Deep Nagar Excise P.S. Case No. 7C3Ex./2010.

(Birendra Kumar, J)

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