

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21734 of 2020

Arising Out of P.S. Case No- 104 Year- 2020 Thana- Kumarkhand (Belari O.P.)

=====

1. PINTU KUMAR @ PINTU YADAV @ BIDIYO, aged about 30 years,
(male), S/o- Mohan Yadav, R/o village- Ranipatti, P.S.- Kumarkhand
(Belari O.P.), District- Madhepura

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner : Mr.Dr.Sanjay Kumar Singh, Advocate
For the Opposite Party : Mr.Akshay Lal Pandit, APP

=====

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard Mr. Dr. Sanjay Kumar Singh, learned counsel

appearing on behalf of the petitioner and Mr. Akshay Lal

Pandit, learned Additional Public Prosecutor, for the State of

Bihar.

This application for grant of anticipatory bail arises
out of Kumarkhand (Belari O.P.) P.S. Case No. 104 of 2020,
registered for the offence punishable under Section 30(a) of
Bihar Prohibition and Excise (Amendment) Act, 2018.

Section 76(2) of the Bihar Prohibition and Excise Act,
2016, bars application of Section 438 of the Criminal Procedure
Code. Based on the allegation made in the First Information



Report, a case under Section 30(a) of the Act is made out in my opinion.

In that view of the matter, this application cannot be maintained and is accordingly dismissed.

However, considering the accusation that eight liters of *mahua* wine was allegedly recovered from a place situate near the petitioner's house it is observed that if the petitioner surrenders before the Court below within two months from today and seeks regular bail, if so advised, his application for regular bail shall be considered and disposed of on the same day on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail.

It is indicated that defect, if any, shall be shall be removed within two months.

Since there is a lockdown, the Court has considered it appropriate to adopt following procedure for communication of the present order:-

(i) The order, which has been dictated during the course of the proceedings of virtual Court, shall be communicated to me on my e-mail I.D. by the Secretary.

(ii) The corrected copy of the order shall be transmitted by me from my e-mail I.D. to the Secretary, which



shall be treated to be the authentic copy of the order passed by this Court today in the present proceeding.

(iii) Hard copy of the order, duly signed by me, shall be preserved in my residential office for documentation and future use, if any.

(iv) Let a copy of the order be communicated to the learned court below through e-mail or any other appropriate electronic mode by the Registry.

Let steps be taken by the Registry for uploading of the present order without compromising with the norms of social-distancing.

(Chakradhari Sharan Singh, J)

AKASH/-

U		T	
---	--	---	--

