

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 21730 of 2020**

Arising Out of P.S. Case No- 327 Year- 2020 Thana- Turkauliya

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1. SHUBHASH RAM, aged about 25 years, (male), S/o- Nandkishore Ram,  
R/o village- Jaysinghpur Chilhranw, P.S.- Turkauliya, District- East  
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

|                        |   |                                 |
|------------------------|---|---------------------------------|
| For the Petitioner     | : | Mr.Dilip Kumar Tondon, Advocate |
|                        | : | Mr.Prateek Tondon               |
| For the Opposite Party | : | Mr.Ajit Kumar, APP              |

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

ORAL ORDER

2      13-08-2020                      Heard Mr. Dilip Kumar Tondon, learned counsel  
appearing on behalf of the petitioner and Mr. Ajit Kumar,  
learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises  
out of Turkauliya P.S. Case No. 327 of 2020, registered for the  
offence punishable under Sections 272, 273/34 of the Indian  
Penal Code and Section 30(a), 38(1) and 41(1) of the Bihar  
Prohibition & Excise Act, 2016.

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, the petitioner is directed to surrender before the Court below within two months from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

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/-

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