

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21729 of 2020

Arising Out of P.S. Case No- 21 Year- 2020 Thana- Patepur

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1. RAMBABU RAI, aged about 50 years, (male), S/o- Lt. Jai Kishun Rai, R/o
village- Murtuzapur Dumari, P.S.- Patepur, District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar

... .. Opposite Party

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Appearance :
For the Petitioner : Mrs.Shanti Bhushan Singh, Advocate
For the Opposite Party : Mr.Ajay Kumar 2, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard Mrs. Shanti Bhushan Singh, learned counsel

appearing on behalf of the petitioner and Mr. Ajay Kumar 2,

learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises
out of Patepur P.S. Case No. 21 of 2020, registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
& Excise 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, 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)

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