

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21747 of 2020

Arising Out of P.S. Case No- 100 Year- 2020

- =====
1. PRADEEP@PANDEY SINGH, aged about 25 years, (male), S/o- Gulab Singh
 2. RAJU SINGH, aged about 28 years, (male), S/o- Shivsen Singh
 3. MANTU KUMAR, aged about 30 years, (male), S/o- Bilar Singh
 4. KANHAIYA SINGH, aged about 27 years (male), S/o- Ramadhar Singh
 5. MANISH KUMAR, aged about 32 years, (male), S/o- Dipnarayan Singh
- All are residents of village- Narayanpur, P.S. Jagdishpur,
District- Bhojpur.

... .. Petitioners

Versus

1. The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner	:	Mr.Anil Kumar, Advocate
	:	Mr.Ravi Prakash
For the Opposite Party	:	Mr.Anuj Kumar Srivastava, APP

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 13-08-2020 Heard Mr. Anil Kumar, learned counsel appearing on behalf of the petitioners and Mr. Anuj Kumar Srivastava, learned Additional Public Prosecutor, for the State of Bihar.

This application for grant of anticipatory bail arises in connection with Excise Case No. 702 of 2020 arising out of Jagdishpur P.S. Case No. 100 of 2020, registered for the offence punishable under Sections 3(a), 3(d) of the Bihar Prohibition and 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 petitioners are directed to surrender before the Court below within two months from today and seek regular bail, if so advised. If they do so, their 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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