

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22408 of 2020

Arising Out of PS. Case No.-89 Year-2020 Thana- DHAKA District- East Champaran

1. DHANMANTI DEVI W/o Rajesh Mukhiya @ Rajesh Mukhya R/o Village-Bishariya, P.S.- Dhaka, Distt- East Champaran.
2. Rajesh Mukhiya @ Rajesh Mukhya S/o Parichhan Mukhiya Resident of Village- Bishariya,P.S.- Dhaka, Distt- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Dilip Kumar Tondon
	:	Mr.Prateek Tondon
For the Opposite Party/s	:	Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020 Heard Mr. Dilip Kumar Tondon, learned counsel for the petitioners and Mrs. Gulnar Begum, learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dhaka P.S. Case No. 89 of 2020, disclosing offence punishable under Section 30(a) 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 disposed of.

However, considering the quantity of liquor (9 liters) said to have been recovered, the petitioners are directed to surrender before the Court below within four weeks 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 on the same day without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

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