

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22404 of 2020

Arising Out of PS. Case No.-63 Year-2020 Thana- SARAI RANJAN District- Samastipur

1. ANIL KUMAR JHA @ BHULLA JHA S/o Ram Balak Jha Resident of Village- Jhakhra, P.S.- Sarairanjan, Distt- Samastipur.
2. Sunil Kumar Jha S/o Ram Balak Jha Resident of Village- Jhakhra, P.S.- Sarairanjan, Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anshu Dhar Sharma

For the Opposite Party/s : Mrs.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-11-2020 Heard Mr. Anshu Dhar Sharma, 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 Sarairanjan P.S. Case No. 63 of 2020, disclosing offence punishable under Sections 272 and 273 of the Indian Penal Code and 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 (12.6 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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