

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 86915 of 2019**

Arising out of P.S. Case No.-337 Year-2019 Thana- GOPALPUR
District- Patna

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NIRAJ KUMAR Son of Sri Suraj Rai Resident of Village -
Bairiya, P.S.- Gopalpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arvind Prasad Singh, Advocate

For the Opposite Party/s: Mr. Pronoti Singh, APP.

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**CORAM: HONOURABLE MR. JUSTICE HEMANT
KUMAR SRIVASTAVA**

ORAL ORDER

2 17-02-2020 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Gopalpur P.S. Case No. 337 of 2019 (Special Case
No. 9985 of 2019) has been registered for the offence
punishable under Sections 147, 148, 149, 324, 353, 341 and 342
of the Indian Penal Code and Sections 30(a)/40 of the Bihar
Prohibition and Excise Act, 2016 and there is specific allegation
that petitioner was caught with illicit liquor but he was got
released by his family members. I am of the view that this
petition is barred by Section 76(2) of the Bihar Prohibition and
Excise Act, 2016 and, accordingly, this petition stands dismissed
being not maintainable.



However, it is made clear that if petitioner surrenders before the court below within six weeks from today and seeks regular bail, the concerned court shall consider the regular bail application of the petitioner on its own merit without being prejudiced by this order taking note of all the points raised on behalf of the petitioner before this Court.

(Hemant Kumar Srivastava, J)

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