

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86903 of 2019**

Arising out of P.S. Case No.-936 Year-2019 Thana-
MADHEPURA District- Madhepura

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BITTU KUMAR Son of Rabindra Prasad @ Rabindra Yadav
Resident of Village - Bhadaul, P.S.- Madhepura, Distt -
Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dinesh Prasad Verma, Advocate
For the Opposite Party/s: Mr. Upendra Kumar, 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.

Madhepura (Bharrahi) P.S. Case No. 936 of 2019
(Excise Case No. 1145 of 2019) has been registered for the
offence punishable under Section 30(a) of the Bihar Prohibition
and Excise Act, 2016 in which petitioner apprehends his arrest.
Taking into consideration that alleged recovery has been made
from the house of the petitioner, I am of the view, 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.

(Hemant Kumar Srivastava, J)

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