

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86891 of 2019**

Arising out of P.S. Case No.-95 Year-2019 Thana- CHAKAI
District- Jamui

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NAKUL TURI Son of Santu Turi Resident of Village - Kathwara,
P.S.- Chakai, District - Jamui

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Adv.

For the Opposite Party/s: Mr. Md. Nazir Ansari, 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.

Chakai P.S. Case No. 95 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 note of the fact that alleged recovery is said to
have been made from the house of the petitioner, 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 the same day on its own merit without being prejudiced by this order, particularly, keeping in mind the quantum of recovery as well as health status of the petitioner.

(Hemant Kumar Srivastava, J)

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