

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72114 of 2022

Arising Out of PS. Case No.-172 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

SHATRUDHAN RAI @ BUDHAN RAI SON OF BASKIT RAI R/O
VILLAGE- CHAKAIMA, P.S.- HAJIPUR SADAR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satya Prakash Sinha

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 04-01-2023 The learned counsel for the petitioner has submitted that the anticipatory bail petition of the petitioner was dismissed as not maintainable vide order dated 16.12.2021, passed in Cr.Misc No. 7205 of 2021 with observation that Section 76 (2) of Bihar Prohibition and Excise Act, 2016 makes an explicit embargo on entertaining the application under Section 438 of the Cr.P.C.

The learned counsel has submitted that the petitioner is a person of clean antecedent and also makes a prayer that on surrender the learned court below may be directed to hear his bail petition on the same day.

Considering the above-mentioned facts and circumstances, paragraph No. 6 of the order dated 16.12.2021 in



criminal miscellaneous No. 7205 of 2021 is modified to the extent that if the petitioner surrenders before the court below within four weeks from today, the court below shall consider his bail application on its own merit on the same day of its filing.

With these observations, this criminal miscellaneous petition is disposed of.

(Nawneet Kumar Pandey, J)

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