

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.24877 of 2016

Arising Out of PS.Case No. -16 Year- 2004 Thana -GOVERNMENT OFFICIAL
COMP. District- BHOJPUR

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Surendra Yadav, son of Mahendra Yadav, resident of
Village: Jamira, P.S: Ara (Muffasil), District: Bhojpur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar, Adv.

For the Opposite Party/s : Mr. Dilip Kumar (APP)

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI
SHARAN SINGH**

ORAL ORDER

2 20-06-2016

Heard the parties.

This application, for grant of anticipatory bail,
arises out of Excise Case No.16 of 2004, disclosing
offences under Sections 47(a) and 47(f) of the Excise Act.

There are two reasons why I am not inclined to
entertain this application for grant of anticipatory bail.
Firstly, the case was instituted in the year 2004, in
connection with which the petitioner appears to have
started taking steps for grant of anticipatory bail in the
year 2016, by filing application before the Court of learned

Sessions Judge, Bhojpur at Ara. Secondly, I find from the order of learned Sessions Judge that processes, under Sections 82 and 83 of the Code of Criminal Procedure, have been issued.

In view of Supreme Court decision, in case of **Lavesh Vs. State (NCT of Delhi)**, reported in **(2012) 8 SCC 730**, this application is not maintainable and, is, accordingly, dismissed.

The petitioner, abovenamed, is directed to surrender before the court below within a period of four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered by the learned court below on its own merit without being prejudiced by dismissal of present application for grant anticipatory bail.

(Chakradhari Sharan Singh, J.)

Praveen-II/-

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