

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.47825 of 2017**

Arising Out of PS.Case No. -181 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-  
SIWAN

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Ramesh Chaudhary S/o Shivaji Chaudhary, resident of village- Ramdevnagar, P.O.-  
Siwan, P.S.- Mahadeva, O.P., District- Siwan.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate  
: Mr. Narendra Kumar Ray, Advocate  
For the Opposite Party/s : Ms. Dr. Indihar Kumari, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

**ORAL JUDGMENT**

**Date: 30-10-2017**

This is the second attempt by the petitioner for grant of anticipatory bail in connection with Siwan Case No.C-III-181 of 2017 registered for the offence punishable under Sections 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short 'Excise Act, 2016').

2. In view of the provisions prescribed under Sub Section (2) of Section 76 of the Excise Act, 2016 as also in view of the order dated 07.07.2017 passed by this Court in Cr. Misc. No.26109 of 2017 in the matter of Ashok Sahani vs. State of Bihar, this Court vide order dated 13.07.2017 passed in Cr. Misc. No.31938 of 2017 had held the earlier application filed by the petitioner under Section 438 of the Code of Criminal Procedure (for short 'the CrPC') to be not maintainable.



3. There is no new ground available to the petitioner for filing the present application under Section 438 of the CrPC.

4. In that view of the matter, I see no merit in the present application. It is dismissed accordingly.

(Ashwani Kumar Singh, J)

Md.S./-

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