

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61922 of 2018

Arising Out of PS. Case No.-101 Year-2018 Thana- ARWAL District- Jehanabad

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Dinesh Yadav @ Dinesh Kumar Son of Naresh Yadav @ Ram Naresh Yadav,
resident of Village- Motha, P.S. and District- Arwal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh, Adv.

For the Opposite Party/s : Mr. Ram Bachan Singh, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 10-10-2018 Heard Sri Shambhu Sharan Singh, learned counsel

for the petitioner and Sri Ram Bachan Singh, learned Addl.

Public Prosecutor.

This is second attempt for grant of anticipatory bail on behalf of the petitioner. Earlier on 12-06-2018, vide Cr. Misc. No. 31681 of 2018 considering the seriousness of accusation i.e. recovery of huge quantity of Indian Make Foreign Liquor, the prayer for anticipatory bail was rejected. Even thereafter, the present petition has been filed with a plea that Excise Act has already been amended.

The Court is of the opinion that once the prayer for anticipatory bail was rejected, there is no reason to reconsider the same prayer, otherwise it will amount to review/ recall of earlier order, which is prohibited under Section 362 of the Code



of Criminal Procedure.

Accordingly, the anticipatory bail petition of the petitioner, who is accused in Arwal P.S. Case No. 101 of 2018 registered for the offence under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, stands again dismissed.

Despite the fact that the petitioner's prayer for anticipatory bail was rejected by this Court, still the petitioner is at large and this is the reason that he has filed the second anticipatory bail petition.

Accordingly, let a copy of this order be sent to the concerned Superintendent of Police to take appropriate steps in the matter.

(Rakesh Kumar, J.)

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