

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22911 of 2019**

Arising Out of PS. Case No.-284 Year-2018 Thana- BUXAR MUFFSIL District- Buxar

SANJAY KUMAR SINGH Son of Dinanath Singh Resident of Village-
Lahurapur, P.O.- Mardah, District- Ghazipur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Birendra Kumar Singh
For the Opposite Party/s : Mr.Veena Rani Prasad

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

ORAL ORDER

2 07-08-2019

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Buxar Muffasil P.S. Case No. 284 of 2018, disclosing the offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016 (for short 'the Act').

The petitioner had earlier approached this Court for grant of anticipatory bail by filing Cr. Misc. No. 3002 of 2019, which was dismissed as not maintainable by an order dated 23.01.2019, with a direction that if he surrendered before the court below within four weeks, his application would be considered without being prejudiced by the order of dismissal, referring to Section 76(2) of the Act. Despite that, the petitioner has filed again this application for grant of anticipatory bail.



This is to be noted that against rejection of an application for anticipatory bail on the ground of non-maintainability in view of Section 76(2) of the Act, by order dated 22.02.2019, passed in Cr. Misc. No. 10743, the matter had gone to the Supreme Court. The Supreme Court, by order dated 10.05.2019, passed in Special Leave to Appeal (Cr.)No. 4332 of 2019, has refused to interfere with the said order, whereby an anticipatory bail application had been held to be not maintainable.

This application is, therefore, dismissed with a direction to the petitioner to appear before the court below within four weeks from today.

(Chakradhari Sharan Singh, J)

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