

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34484 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- SOHSARAI District- Nalanda

1. NITISH CHAUDHARY @ KARU CHAUDHARY Son of Ranjeet Chaudhary @ Nata Chaudhary Resident of Village- Sohdi, P.S.- Sohsarai, District- Nalanda.
2. Bhola Chaudhary Son of Ranjeet Chaudhary @ Nata Chaudhary Resident of Village- Sohdi, P.S.- Sohsarai, District- Nalanda.
3. Mukesh Chaudhary Son of Ranjeet Chaudhary @ Nata Chaudhary Resident of Village- Sohdi, P.S.- Sohsarai, District- Nalanda.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sudish Kumar

For the Opposite Party/s : Mr.Tarun Prasad Mandal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 17-08-2019 Petitioner no. 2 has also been arrested during pendency of this application, as stated by the learned counsel for the petitioner.

This application stands dismissed accordingly to the extent it relates to petitioner no. 2.

Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sohsarai P.S. Case No. 47 of 2019, disclosing offence under Sections 30(a), 38, 56(d) of Bihar Prohibition and Excise Act, 2016.



In view of the Full Bench decision of this Court in case of *Ram Vinay Yadav Vs. The State of Bihar*, reported in **2019(2) PLJR 1089 (F.B.)**, and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not maintainable.

However, learned counsel appearing on behalf of the petitioner no. 3 has submitted that his implication is only on the basis of disclosure made by his father, co-accused Ranjeet Chaudhary, which is highly improbable.

Considering the above, petitioner no. 3 is directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If he does so, his application for regular bail shall be considered on its own merit on the same day without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Rajesh/-

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