

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34494 of 2019**

Arising Out of PS. Case No.-139 Year-2019 Thana- KUDHNI District- Muzaffarpur

SHATROHAN RAI @ SHATRUDHAN RAI S/O Chulhai Rai R/O Village-
Jagarnathpur, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raju Kr. Goswami Mr. Pradhan Murli Manohar Prasad
For the Opposite Party/s :		Mr.Kumar Ranjit Ranjan

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

ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Kudhani P.S. Case No. 139 of 2019, disclosing offence under Sections 272, 273 of the Indian Penal Code and Section 3(a) of Bihar Prohibition and Excise (Amendment) Act, 2018.

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, it is evident from the First Information Report that the petitioner has been named therein on the basis of secret information, which the police were said to have received. It is in the background of the contention that the recovery of illicit liquor is not from the place belonging to the petitioner, who has no criminal antecedent, it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, if so advised, 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)

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