

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36926 of 2019

Arising Out of PS. Case No.-47 Year-2019 Thana- KAMTAUL District- Darbhanga

BABLOO THAKUR @ BRAJIT KUMAR THAKUR S/o- Ganesh Thakur
Residence of Village- Brahmpur, P.S.- Kamtaul, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kedar Jha

For the Opposite Party/s : Mr.Khurshid Anwar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 19-06-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of G.O. Excise Case No.313 of 2019 arising out of Kamtaul P.S. Case No. 47 of 2019, disclosing offence under Section 30(a) 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.

The submission made on behalf of the petitioner that even if the allegation, as contained in the First Information Report, is taken to be correct, no offence could be said to be made out under the provisions of the Bihar Prohibition and



Excise Act, 2016, is not acceptable to this Court.

Learned counsel appearing on behalf of the petitioner has further argued that this case is covered by a decision in case of *Ashok Sahani vs. The State of Bihar*, reported in **2017(3) PLJR 632**. The petitioner shall be at liberty to take such plea before the Court below, once he surrenders and makes his application for regular bail.

This application is accordingly dismissed as not maintainable.

However, the petitioner 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 without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

