

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40592 of 2019

Arising Out of PS. Case No.-185 Year-2019 Thana- SIRDALA District- Nawada

RAJENDRA CHAUDHARY @ RAJENDRA CHAUHAN Son of Late
Dhannu Chaudhary Resident of Village - Belwan, P.s.- Meskaur, Dist.-
Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma

For the Opposite Party/s : Dr. (Mrs.) Indihar Kumari, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Sirdalla P.S. Case No. 185 of 2019, disclosing offence under Section 30(a), 37(b)(c) 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.

There is allegation of seizure of 10 liters of toddy.



Allegedly, two persons were found consuming toddy and on seeing the police, one of them managed to flee away, whose name was disclosed as that of the petitioner by the person apprehended.

However, considering the small quantity of toddy seized, 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 without being prejudiced by rejection of the present application for grant of anticipatory bail by this Court on the same day.

(Chakradhari Sharan Singh, J)

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