

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39782 of 2019

Arising Out of PS. Case No.-67 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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1. UPENDRA YADAV@UPENDRA KUMAR Son of Chandra yadav Resident of Village - Gulariya Chak, P.S.- Magadh Medical, Dist. - Gaya.
 2. Chalitar Manjhi Son of Late Ramdhan Manjhi Resident of Village - Khurar Bhui Tola, P.S.- Magadh Medical, Dist. - Gaya.
 3. Akash Kumar Son of Arjun Yadav Resident of Village - Bahera Bad, P.S.- Dobhi, at Present Resident of Village - Gulariya Chak, P.S.- Magadh Medical, Dist. - Gaya.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kiran Sinha

For the Opposite Party/s : Mr.Parmanand Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-06-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Magadh Medical P.S. Case No. 67 of 2019, disclosing offence under Sections 147, 148, 149, 323, 504, 307, 353, 337 and 338 of the Indian Penal Code and Section 30(a)(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, the petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered, on the same day considering the small quantity of country made liquor, 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)

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