

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43987 of 2019

Arising Out of PS. Case No.-72 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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AMRESH RAY @ AMRESH KUMAR Son of Suresh Ray Resident of
Village-Didarganj, Infront of Petrol Pump Gali, P.S.-Didarganj, District-Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan, Adv.

For the Opposite Party/s : Mr.Indra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 21-08-2019 Heard learned counsel for the petitioner as well as
learned APP.

Having been specially assigned by Hon'ble the Chief
Justice, the matter has been listed before this Bench in
pursuance of order dated 07.08.2019.

Petitioner has asked for grant of an anticipatory bail
relating to Special Case No. 4588/2019 registered under Section
30(a), 32(3) of Bihar Prohibition and Excise Act, 2018.

Gone through the order impugned. The Full Bench in
Cr. Appeal No. 431/2019 along with other appeals vide
judgment dated 17.05.2019, has observed that first of all, one
has to consider whether the allegation so propounded attracts
applicability of Excise Act or not and then thereafter, the matter



has to be decided. From the order impugned, it is evident that learned lower court has failed on that very score.

Consequent thereupon, the matter is remitted back to the learned lower court to consider in light of direction having been given under the Full Bench decision. In terms thereof, the instant petition stands disposed of.

(Aditya Kumar Trivedi, J)

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