

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42296 of 2019

Arising Out of PS. Case No.-188 Year-2019 Thana- BHABHUA District- Kaimur (Bhabua)

AMARJIT PATEL @ DEVA Son of Dular Singh Resident of Village -
Gawain, Bhabua Ward No. 19, P.S.- Bhabua, District- Kaimur at Bhabua

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Garg

For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 10-07-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bhabhua P.S. Case No. 188 of 2019, disclosing offence under Sections 414 and 420 of the Indian Penal Code and Sections 30(a)/37(i)(ii) 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.

Learned counsel appearing on behalf of the



petitioner, referring to paragraph 36 of the Full Bench decision of this Court in case of ***Ram Vinay Yadav*** (supra), submits that the petitioner is entitled for anticipatory bail.

On perusal of materials on record, however, a case under the provisions of Bihar Prohibition and Excise Act, 2016, is made out.

Learned counsel appearing on behalf of the petitioner has submitted that since his name has surfaced only on the basis of confessional statement of co-accused, he deserves anticipatory bail.

I notice that the petitioner has criminal antecedent inasmuch as he is an accused in three more cases, as disclosed in paragraph 3 of this application.

This application, therefore, does not have any merit nor the same can be maintained.

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)

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