

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44525 of 2019

Arising Out of PS. Case No.-57 Year-2019 Thana- JANDAHA District- Vaishali

1. VINOD RAI @ BANTHA Son of Late Bahoran Rai Resident of Village-Murtajapur, P.S-Jandaha, District-Vaishali.
2. Mithu Rai son of Gena Rai Resident of Village-Murtajapur, P.S-Jandaha, District-Vaishali.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nilesh Kumar

For the Opposite Party/s : Mr.Gulnar Begum

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 19-07-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Jandaha P.S. Case No. 57 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 Court takes into account the fact that the petitioners have criminal antecedent and that there is allegation against them of having indulged in commission of similar



offence.

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 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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