

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.42306 of 2019**

Arising Out of PS. Case No.-48 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.  
District- Sitamarhi

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UPENDRA KUMAR Son of Ramdeo Sah Resident of Village - Olipur, P.S.-  
Mahindrawara, District- Sitamarhi

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

**Appearance :**

For the Petitioner/s : Mr.Vipin Kumar

For the Opposite Party/s : Mr.Parmanand Kumar

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**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH**

ORAL ORDER

3      11-07-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Case No. C2 48 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.

Learned counsel appearing on behalf of the petitioner has, however, submitted that similarly circumstanced co-accused, Raj Kumar @ Raj Kumar Sah, has been granted anticipatory bail by order dated 14.05.2019 passed in Cr. Misc.



No. 27183 of 2019.

On perusal of the prosecution report, in my view, a case under the provisions of Section 30(A) of Bihar Prohibition and Excise Act, 2016 is made out and, therefore, bar under Section 76(2) of the Act will have no application.

The said aspect, it appears from the order dated 14.05.2019 passed by this Court, has gone unnoticed. There is recovery of huge quantity of illicit liquor.

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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