

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.50529 of 2019**

Arising Out of PS. Case No.-74 Year-2019 Thana- TAJPUR District- Samastipur

SANTOSH CHAUDHARY @ SANTOSH KUMAR CHAUDHARY S/o  
Bilat Chaudhary @ Vilat Chaudhary R/o Village- Madhopur Digharua, P.S.-  
Tajpur, District- Samastipur

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Abhay Shankar Singh  
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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

ORAL ORDER

2      14-08-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Tajpur P.S. Case No. 74 of 2019, disclosing offence under Sections 272 and 273 of the Indian Penal Code and 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.

This application is accordingly dismissed as not maintainable.

However, considering the small quantity of liquor said



to have been recovered it is directed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, his application for regular bail shall be considered and disposed of on the same day 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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