

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52436 of 2019

Arising Out of PS. Case No.-353 Year-2018 Thana- BASANTPUR District- Siwan

1. ARVIND RAI Son of Late Rajendra Rai Resident of Village - Dabchhu, P.S.- lakari Nabiganj, Dist.- Siwan.
2. Vipul Rai Son of Late Rameshwar Rai Resident of Village - Dabchhu, P.S.- Lakari Nabiganj, Dist.- Siwan.

... .. Petitioners

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kumar Binode Bariar

For the Opposite Party/s : Mr.Asha Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 22-08-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Basantpur P.S. Case No. 353 of 2018, disclosing offence under Sections 272, 273 and 308/34 of the Indian Penal Code and Sections 30(a) and 41(1) 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, 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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