

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52439 of 2019

Arising Out of PS. Case No.-186 Year-2019 Thana- BAJPATTI District- Sitamarhi

MANOJ RAI @ MANOJ RAY Son of Lalbabu Ray Resident of Village-
Basaha, P.S.-Bajpatti, District-Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha

For the Opposite Party/s : Mr.Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 23-08-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Bajpatti P.S. Case No. 186 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

In paragraph 3 of the main application, the petitioner had stated that he did not have any criminal antecedent. Subsequently, a supplementary affidavit has been filed stating that the petitioner has criminal antecedent inasmuch as he is an accused in another case disclosing offence punishable 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.

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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