

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51459 of 2019**

Arising Out of PS. Case No.-220 Year-2016 Thana- FATEHPUR District- Gaya

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VIRENDRA KUMAR @ VIRENDRA YADAV Son of Keshar Yadav
Resident of Village - Bahsa Pipra Tola, P.S.- Fatehpur, Distt - Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Ms. Sharda Kumari,APP

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

ORAL ORDER

2 19-08-2019 Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Fatehpur P.S. Case No. 220 of 2016, disclosing offences under Sections 272 and 273 of the Indian Penal Code and Section 47(a)(g) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act of 2016').

In view of the bar under Section 76(2) of the Act of 2016 and the Full Bench decision rendered in the case of **Ram Vinay Yadav Vs. The State of Bihar**, reported in **2019 (2) PLJR 1089**, this application cannot be maintained and is accordingly dismissed.

It transpires that there are five persons named in the FIR, including the petitioner, and the police are said to have



recovered illicit liquor from the possession of others. One of them Raj Kumar Manjhi was taken into custody, from whose possession four litre of illicit liquor was recovered, who is said to have disclosed the name of the petitioner.

Considering the fact that the disclosure made by the said Raj Kumar Manjhi is the only basis for implication of this petitioner and from the possession of the said Raj Kumar four litre of country-made liquor was recovered, it is directed that if the petitioner surrenders in the court below within four weeks from today and seeks regular bail, the court below shall consider his prayer for regular bail on its own merit, the same day, without being prejudiced by the rejection of the present anticipatory bail application.

(Chakradhari Sharan Singh, J)

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