

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.53671 of 2019**

Arising Out of PS. Case No.-245 Year-2019 Thana- NAUTAN District- West Champaran

KRISHNA SAH Son of Late Ram Chandra Sah Resident of Village - Gahiri  
Kachahari Tola, P.S.- Nautan, Dist.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sanjay Kumar No 7

For the Opposite Party/s : Mr.Md. Nazir Ansari

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

ORAL ORDER

2      28-08-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises  
out of Nautan P.S. Case No. 245 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.

This application is accordingly dismissed as not  
maintainable.

However, considering the small quantity(3.465 litres)



of foreign liquor said to have been recovered, 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)**

Rajesh/-

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