

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54948 of 2019**

Arising Out of PS. Case No.-387 Year-2018 Thana- DARBHANGA SADAR District-
Darbhanga

RAKESH GUPTA @ RAKESH KUMAR GUPTA, Son of Late Vijay Gupta,
Resident of Mohalla-J.P Chowk, P.S.-Sadar, District-Darbhang.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Jha
For the Opposite Party/s : Mr. Pradeep Narain Kumar

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

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises
out of Sadar P.S. Case No. 387 of 2018 (G.O. Case No. 872 of
2018), disclosing the offence under Section 30(a) of the 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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