

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54432 of 2019

Arising Out of PS. Case No.-49 Year-2019 Thana- DARIYAPUR District- Saran

1. RAJU CHAUDHARY Son of Late Krishna Chaudhary Resident of Village-Dariapur Bazar, P.S.- Dariapur, District- Saran at Chapra.
2. Vinod Choudhary Son of Late Krishna Chaudhry Resident of Village-Dariapur Bazar, P.S.- Dariapur, District- Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Nawal Kishore Singh
For the Opposite Party/s : Mr.Syed Mojibur Rahman

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 02-09-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Dariapur P.S. Case No. 49 of 2019, disclosing offence under Sections 272 and 273 of the Indian Penal Code and Sections 30, 30(a), 33, 36 and 38 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 fact that there is no recovery from the petitioners, it is directed that if the petitioners surrender before the Court below within four weeks from today and seek regular bail, 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, on the same day.

(Chakradhari Sharan Singh, J)

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