

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56910 of 2019**

Arising Out of PS. Case No.-191 Year-2019 Thana- KHIJARSARAI District- Gaya

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DHARMENDRA CHAUDHARI Son of Late Karu Chaudhari @ Kara
Chaudhari Resident of Village-Hurma, P.S.-Khizersarai, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar

For the Opposite Party/s : Mr.Khurshid Anwar

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

ORAL ORDER

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

This application for grant of anticipatory bail arises
out of Khizersarai P.S. Case No. 191 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 of liquor (1



litre) 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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