

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57825 of 2019**

Arising Out of PS. Case No.-236 Year-2019 Thana- JOGAPATTI District- West Champaran

SURESH TURHA @ SURESH SAH Son of Harihar Turha, Resident of  
Village - Nawgawa, P.S.- Jogpatti, Dist.- west Champaran.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Bimlesh Kumar Pandey

For the Opposite Party/s : Mr.Uma Shankar Prasad Singh

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

ORAL ORDER

2      13-09-2019                      Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises  
out of Jogapatti P.S. Case No. 236 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 (5



litres) 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 on the same day 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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