

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57573 of 2019

Arising Out of PS. Case No.-76 Year-2019 Thana- KURSAKANTA District- Araria

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BABULAL MURMU @ MADHU HEMBRAM Son of Kishun Hembram @
Narayan Hembram Resident of Village - Bhutaha Santhal Tola, Ward No. 12,
P.S.- Kursakanta, Distt - Araria.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar

For the Opposite Party/s : Mr.Nityanand

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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 anticipatory bail arises out of Spl.
Case No. 394 of 2019 arising out of Kursakanta P.S. Case No.
76 of 2019, disclosing the offence under Section 30 (a) of the
Bihar Prohibition & 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, 2019, this
application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not
maintainable.



However, considering the small quantity of country made liquor (9 liters) said to have been recovered by the police, 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 on the same day.

(Chakradhari Sharan Singh, J)

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