

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57829 of 2019**

Arising Out of PS. Case No.-76 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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SHAMBHU SAH Son of Jai Narayan Sah Resident of village- More
Jagdishpur, P.S.- Maniyari, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Nath Tiwari
For the Opposite Party/s : Mr.Pushpa Sinha

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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 grant of anticipatory bail arises
out of Excise Case No. 76 of 2019, corresponding to P.R. No. 06
of 2019, disclosing offence under Sections 30(a), 37(b) 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, 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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