

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75397 of 2019

Arising Out of PS. Case No.-122 Year-2019 Thana- SHAMBHUGANJ District- Banka

1. DEVID YADAV, Son of Manoj Yadav,
2. Puja Devi Wife of Devid Yadav Resident of Village - Aaraji Karsop, P.S.- Shambhuganj, District- Banka

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar
For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 26-11-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of **Shambhuganj P.S. Case No. 122 of 2019**, disclosing the offence under Section 30(A) and 38(1) of the Bihar Prohibition and Excise Act, 2016.

It is alleged in the FIR that from the house of the petitioners, 5 litres of country made (*Mahua*) wine was recovered.

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 petitioners are directed to surrender before the Court below within four weeks from today and seek regular bail, if so advised. If they do so, their application for regular bail shall be considered on the same day 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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