

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60016 of 2019

Arising Out of PS. Case No.-109 Year-2019 Thana- SINGHIYA District- Samastipur

SHASHIKANT MUKHIYA @ CHHOTU MUKHIYA Son of Ram Vilash Mukhiya @ Ramavilas Mukhiya Resident of - Bela Tole, P.S.- Singhia, Distt - Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Bhushan Prasad, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 20-11-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Singhia P.S. Case No. 109 of 2019, disclosing the offence under Section 30(a) of the 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 recovery of small quantity of liquor of 5.370 litres, 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)

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