

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68310 of 2019

Arising Out of PS. Case No.-330 Year-2019 Thana- NAUTAN District- West Champaran

1. JITENDRA YADAV @ JITENDAR YADAV Son of Late Uma Shankar Yadav Resident of Village - Nawrahi, Teluha, P.S.- Nautan, Distt.- West Champaran.
2. Dinanath Yadav S/o Late Maharaj Yadav Resident of Village - Nawrahi, Teluha, P.S.- Nautan, Distt.- West Champaran.
3. Omprakash Yadav Son of Kailash Yadav Resident of Village - Nawrahi, Teluha, P.S.- Nautan, Distt.- West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Ajay Kumar No. 2

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Nautan P.S. Case No. 330 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

I am not ready to accept the contention on behalf of the petitioners that no offence at all is made out under the provisions of the Act so as to ignore the bar under Section 76(2) of the Act of grant of anticipatory bail.

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, since the accusation against the petitioners is based on undisclosed secret information, it is directed that if the petitioners surrender before the Court below within four weeks from today and seek regular bail, their 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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