

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.80238 of 2018

Arising Out of PS. Case No.-261 Year-2018 Thana- BISFI District- Madhubani

Ram Vinay Yadav, Son of Upendra Yadav, resident of Village- Godhaul, P.O.-
Sadullahpur Head PO.- Kamtaul, P.S.- Bisfi, Gorhaul, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Madhusudan Kumar
For the Opposite Party/s : Mr.Md. Nazir Ansari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-01-2019 This application for anticipatory bail arises out of

Bisfi P.S. Case No. 261 of 2018 for the offence under Sections

272 and 273 of the Indian Penal Code and Section 30(a) of the

Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner seeks permission
to withdraw this application. He contends that he has remedy of
appeal under Section 89 of the Bihar Prohibition and Excise
Act, 2016 against the order passed by the learned Additional
Sessions Judge IInd-cum-Special Judge, Excise Act, Madhubani
rejecting the petitioner's application for anticipatory bail.

In view of clear bar under Section 76(2) of the Act,
possibly the anticipatory bail application filed before the Court
below itself was not maintainable.



Without commenting upon whether the petitioner has such remedy of appeal or not, this application is permitted to be withdrawn with the observation that petitioner may avail such remedy as may be found available under the law.

Petitioner may take back the certified copies of the First Information Report and the order passed by the learned Additional Sessions Judge IInd-cum-Special Judge, Excise Act, Madhubani rejecting the petitioner's application for anticipatory bail from the Registry.

This application stands dismissed as withdrawn.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

