

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6504 of 2020

Arising Out of PS. Case No.-251 Year-2019 Thana- SISWAN District- Siwan

ANIL CHAUDHARY @ ANIL KUMAR CHAUDHARY Son of Jaishree Chaudhary Resident of Village - Chainpur Pasi Tola, P.S.- Siswan (Chainpur O.P.), Distt - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh

For the Opposite Party/s : Mrs. (Dr.) Indihar Kumari

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 11-06-2020 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Siswan (Chainpur O.P.) P.S. Case No. 251 of 2019, disclosing offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38(B) of Bihar Prohibition and Excise Act, 2018.

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 small quantity (8.64 litres) of India made foreign liquor said to have been recovered from the petitioner's house, it is observed that if the petitioner surrenders before the Court below within four weeks from today and seeks regular bail, if so advised, 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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