

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86877 of 2019

Arising Out of PS. Case No.-8 Year-2018 Thana- SUPPI District- Sitamarhi

1. PREM SAHNI Son of Barun Sahni Resident of Village - Devapur, Ward No. 15, P.S. - Patahi, District- East Champaran
2. Rameshwar Sahni Son of Rajendra Sahni Resident of Village - Devapur, Ward No. 15, P.S. - Patahi, District- East Champaran

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Anil Chandra

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 09-06-2020 Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.

This application for grant of anticipatory bail arises out of Suppi P.S. Case No. 8 of 2018, disclosing offence under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

On perusal of the case diary, I am of the view that this cannot be said that no offence at all is made out against this petitioner so as to overcome the bar under the provisions of Section 76(2) 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, 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 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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