

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85434 of 2019

Arising Out of PS. Case No.-190 Year-2019 Thana- AANDAR District- Siwan

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PANKAJ KUMAR PRASAD @ PANKAJ SAH Son of Virendra Sah
Resident of Village - Singhi, P.S.- Andar, District- Siwan

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Y.C.Verma, Senior Advocate

Mr.Anuj Kumar

For the Opposite Party/s : Mr.Pawan Kumar Chaurasia

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

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

This application for grant of anticipatory bail arises out of Andar P.S. Case No. 190 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

On perusal of the First Information Report, I have not been able to convince myself despite it has been vehemently argued by Mr. Yogesh Chandra Verma, learned Senior Counsel appearing on behalf of the petitioner that no offence is made out under the provisions of the Act.

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 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 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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