

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87226 of 2019

Arising Out of PS. Case No.-40 Year-2019 Thana- KOTHIGRAM District- Gaya

1. NAGENDRA PASWAN Son of Naro Paswan @ Naro Paswan Resident of Village - Ekamba Bagebar, P.S.- Kothi, District - Gaya.
2. Gola Bhuiyan @ Gopal Bharti @ Gopal Bharti Golu Son of Mungeshwar Bharti Resident of Village - Ekamba Bagebar, P.S.- Kothi, District - Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Singh

For the Opposite Party/s : Mr.Pushpa Sinha.1

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 Kothi P.S. Case No. 40 of 2019, disclosing offence under Section 30(a) of Bihar Prohibition and Excise Act, 2016.

I have perused the case diary, from which it appears that there are certain materials collected in course of the investigation suggesting involvement of petitioners in commission of the offence.

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)

Rajesh/-

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

