

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12139 of 2021

Arising Out of PS. Case No.-42 Year-2020 Thana- BHARGAMA District- Araria

1. Kamleshwari Yadav Son of Rami Yadav Resident of Village- Khajuri, P.S.- Bhargama, District- Araria.
2. Devesh Kumar Son of Kashi Prasad Yadav Resident of Village- Parmanandpur, P.S.- Raniganj, District- Araria.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-11-2021 Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Bhargama P.S. Case No. 42 of 2020 corresponding to Special Case No. 367 of 2020 registered for the offence under sections 188, 272, 273, 269, 270/34 of the Indian Penal Code and Section 30(a) of Bihar Prohibition and Excise Act, 2016.

In view of the fact that prima facie a case under the Excise Act is made out against the petitioners, this application for grant of anticipatory bail to the petitioners is not maintainable in view of the Full Bench decision of this Court rendered in the case of *Ram Vinay Yadav vs. The State of Bihar* reported in 2019(2) P.L.J.R. 1089 (F.B.).



Accordingly, this anticipatory bail application is dismissed as not maintainable.

Learned counsel or the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of four weeks from today.

(Sandeep Kumar, J)

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