

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12303 of 2021

Arising Out of PS. Case No.-108 Year-2020 Thana- DHANKUND District- Banka

PAWAN THAKUR, Son of Late Shyamal Thakur Resident of Village-
Mahishi, Ward No.07, P.S.- Mahishi, Distt- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Madhav Jha, Advocate

For the Opposite Party/s : A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 29-10-2021 Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Heard learned counsel appearing on behalf of
petitioner and learned A.P.P. for the State.

The present application has been filed by the
petitioner for grant of pre-arrest bail in connection with
Dhankund P.S. Case No. 108 of 2020 for the offence under
Sections 30(a) and 32(2) of the Bihar Prohibition and Excise
Act, 2016, pending in the Court of learned Additional Sessions
Judge-II, Banka.

As per the prosecution, the informant and other Police
personnel were engaged in vehicle checking at Kathangaon
Checkpost, in course of checking, they also checked Mahindra
TUV bearing registration No. BR-11PA-6221 and from vehicle



one bottle containing 750 ML Indian Made Foreign Liquor was recovered.

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.

(Purnendu Singh, J)

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