

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17358 of 2021

Arising Out of PS. Case No.-541 Year-2020 Thana- KAHALGAON District- Bhagalpur

NITISH BHAGAT @ NITISH KUMAR BHAGAT, aged about 20 years,
Male, son of Raj Kishore Bhagat @ Pappu Bhagat, Resident of Village -
Bahoti Nathpur, P.S.- Rupouli, District - Purnia.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-12-2021

Heard learned counsel for the parties.

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

This application for grant of anticipatory bail arises
out of Kahalgow (Ghoga) P.S. Case No. 541 of 2020 registered
for the offence under Section 30(a) of the Bihar Prohibition &
Excise Act, 2016.

In view of the fact that *prima facie* a case under the
Excise Act, is made out against the petitioner, this application
for grant of anticipatory bail to the petitioner is not maintainable
in view of 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.

(Sandeep Kumar, J)

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