

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27511 of 2021

Arising Out of PS. Case No.-174 Year-2020 Thana- DERNI BAZAR District- Saran

1. Bhera Rai @ Nand Kishor Rai S/o Baijnath Rai Resident of Village- Pojhi, P.S.- Derni, District-Saran at Chapra.
2. Sikandar Rai @ Sikendra Rai S/o Bhera Rai @ Nand Kishor Rai Resident of Village- Pojhi, P.S.- Derni, Distt- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioners : Ms.Rajani Kumari, Advocate
For the Opposite Party : Mr.Satyadeo Singh Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-12-2021 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Derni P.S. Case No.174 of 2020 registered for offences under Sections 30, 30(a), 32(1) 33 and 36 of the Bihar Prohibition and Excise Act, 2016.

At the very outset, learned counsel for the petitioners submits that petitioner no. 1, namely, Bhera Rai @ Nand Kishor Rai has been arrested during the pendency of this application. Hence, he prays for withdrawal of the application.

Prayer is allowed. The application for anticipatory bail is dismissed as withdrawn so far as petitioner no.1, namely, Bhera Rai @ Nand Kishor Rai is concerned.



So far as petitioner no. 2, namely, Sikandar Rai @ Sikendra Rai is concerned, in view of the allegations levelled against him, this anticipatory bail application is not maintainable in view of the judgment of the Full Bench of this Court in the case of *Ram Binay Yadav Vs. The State of Bihar* reported in [2019 (2) PLJR 1089 (Full Bench)].

Accordingly, it is dismissed as not maintainable.

(Sandeep Kumar, J)

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