

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17605 of 2021

Arising Out of PS. Case No.-298 Year-2020 Thana- DARIYAPUR District- Saran

1. Manish @ Manish Rai @ Manish Kumar, aged about 25 years, Gender-Male, Son Of Surendra Rai, Resident Of Village- Ibrahimpur, P.S.- Dariyapur, District- Saran At Chapra
2. Manoj Mahto, aged about 45 years, Gender-Male, Son Of Ram Pyare Mahto, Resident Of Village- Harpur, P.S.- Dariyapur, District- Saran At Chapra.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioners	:	Mr. Dewendra Narayan Singh, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 03-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners 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 Dariyapur P.S. Case No. 298 of 2020 registered for the offence under Sections 272, 273, 120-B of the Indian Penal Code and under Sections 30(a) & 42(i) 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 petitioners, this application for grant of anticipatory bail to the petitioners 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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