

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 19432 of 2021

Arising Out of PS. Case No.-138 Year-2019 Thana- VAISHALI District- Vaishali

AKHILESH RAI @ AKHILESH KUMAR YADAV Son of Ramchandra Rai
Resident of Village - Rahimpur, P.S.- Vaishali, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Anirudh Kumar Sinha

For the Opposite Party : Mr. Uma Shankar Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 28-07-2021

Heard learned counsel for the parties.

This is an application for grant of anticipatory bail in connection with Vaishali P.S. Case No. 138 of 2019, disclosing offences under Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and Excise Act, 2018.

The petitioner had earlier approached this Court for grant of anticipatory bail, which was rejected by an order dated 19.08.2019 passed in Cr. Misc. No. 51465 of 2019 considering the bar under Section 76(2) of the Bihar Prohibition and Excise Act, 2016. The petitioner was directed to surrender before the Court below by the said order within four weeks and seek regular bail, if so advised. The petitioner has filed the present second anticipatory bail application.

It has been submitted on behalf of the petitioner that as no offence against the petitioner is made out under the



provisions of the Bihar Prohibition and Excise Act, 2016, the bar, under Section 76(2) of the Act, shall have no application and, therefore, he is entitled to grant of anticipatory bail.

I do not find any merit in this application. This Court cannot review its own order in a criminal proceeding. I was specifically mentioned in the previous order rejecting the petitioner's prayer for anticipatory bail that the same was not maintainable in terms of Section 76(2) of the Bihar Prohibition and Excise Act, 2016. The petitioner was directed to appear before the Court below within four weeks and as a matter of fact defying this Court's order, nearly one and half years thereafter he has filed the present second application for grant of anticipatory bail.

This application is thoroughly misconceived and is dismissed accordingly.

(Chakradhari Sharan Singh, J)

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