

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26007 of 2021

Arising Out of PS. Case No.-308 Year-2020 Thana- AWTARNAGAR District- Saran

1. RAKESH CHOUDHARY Son of Ram Chandra Choudhary @ Ram Chandra Chaudhari Resident of Village - Kamalpur, Police station - Awtar Nagar, District - Saran at Chapra.
2. Ram Chandra Choudhary @ Ram Chandra Chaudhari Son of Late Surya Choudhary Resident of Village - Kamalpur, Police station - Awtar Nagar, District - Saran at Chapra.
3. Radha Choudhary Son of Ram Chandra Choudhary @ Ram Chandra Chaudhari Resident of Village - Kamalpur, Police station - Awtar Nagar, District - Saran at Chapra.
4. Jai Prakash Choudhary @ Jallu Son of Ram Chandra Choudhary @ Ram Chandra Chaudhari Resident of Village - Kamalpur, Police station - Awtar Nagar, District - Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Binod Singh
For the Opposite Party/s : Mr.A.G.

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.

The petitioners apprehend their arrest in connection with Awtarnagar P.S. Case No. 308 of 2020 registered for the offence under Sections 30, 30(A) of the Bihar Prohibition and Excise Act, 2016.

At the very outset, learned counsel for the petitioner submits that petitioner no.1, namely, Rakesh Choudhary and



petitioner no. 2 namely Ram Chandra Choudhary @ Ram Chandra Chaudhari have 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 The application for anticipatory bail is dismissed as withdrawn so far as above named petitioners no.1 and 2, are concerned.

In view of the fact that prima facie case under the Excise Act, is made out against the petitioner no. 3 namely Radha Choudhary and petitioner no. 4 namely Jai Prakash Choudhary @ Jallu, this application for grant of anticipatory bail to the above named petitioners no. 3 and 4 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 so far as above named petitioners no.3 and 4, are concerned.

(Sandeep Kumar, J)

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