

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30848 of 2021

Arising Out of PS. Case No.-59 Year-2021 Thana- NARPATGANJ District- Araria

1. JAY KISHAN YADAV @ JAY KRISHNA YADAV Son of Jiwachh Yadav @ Jiwas Yadav Resident of Village - Bhorhar ward no. 11, P.S.- Narpatganj (Bathnaha), District - Araria.
2. Prince Yadav @ Prince Kumar Yadav @ Prince Kumar Son of Pappu Yadav Resident of Village - Bhorhar Naya Tola Khopdiya ward no. 11, P.S.- Narpatganj (Bathnaha), District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana
For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-12-2021 At the very outset, learned counsel for the petitioner submits that the present application has become infructuous against the petitioner No. 2 as he has been arrested and seeks permission to withdraw the same.

It is, thus, dismissed as withdrawn as having become
infructuous as against Petitioner No. 2.

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 Narpatganj (Bathnaha) P.S. Case No. 59/2021 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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