

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33883 of 2021

Arising Out of PS. Case No.-29 Year-2021 Thana- BIBHUTIPUR District- Samastipur

1. PACHU SAHNI @ PANCHO SAHNI S/o Lakshman Sahni Resident of Village- Patpara North, P.S.- Vibhutipur, District- Samastipur
2. Lal Babu Sahni S/o Pachu Sahni @ Pancho Sahni Resident of Village- Patpara North, P.S.- Vibhutipur, District- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aprajita

For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-12-2021 Heard learned counsel for the parties.

At the very outset, the learned counsel for the petitioner seeks permission to withdraw this bail application as against petitioner No.1.

Permission is granted.

Accordingly, this bail application is dismissed as withdrawn as against petitioner No.1.

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.

So far as anticipatory bail of petitioner No.2 is concerned, it arises out of Vibhutipur P.S. Case No.29 of 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 as petitioner petitioner No.2 is dismissed as not maintainable.

(Sandeep Kumar, J)

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