

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22252 of 2020

Arising Out of PS. Case No.-45 Year-2019 Thana- MAJHAULIA District- West Champaran

RANJIT MUKHIYA Son of Raghveer Mukhiya Resident of Village - Aunhar
Shek, P.S.- Majhaulia, Distt.- Bettiah, W. Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Ms. Aparajita

For the Opposite Party/s : Mr. Arun Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 05-01-2021

Heard learned counsel for the parties.

This application for anticipatory bail arises out of Majhaulia P.S. Case No. 45 of 2019 for the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In view of the Full Bench decision of this Court in case of *Ram Vinay Yadav Vs. The State of Bihar*, reported in **2019(2) PLJR 1089 (F.B.)**, and the provisions under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, this application for anticipatory bail cannot be maintained.

This application is accordingly dismissed as not maintainable.

Learned counsel appearing on behalf of the petitioner has, however, drawn my attention to various orders passed by this Court, namely, order dated 24.10.2019 passed in Cr. Misc.



No. 67970 of 2019, order dated 29.11.2019 passed in Cr. Misc.
No. 73165 of 2019, order dated 24.01.2020 passed in Cr. Misc.
No. 1241 of 2020, order dated 12.06.2020 passed in Cr. Misc.
No. 16992 of 2020, whereby in similar circumstance, other co-
accused persons have been allowed anticipatory bail by this
Court.

On perusal of the said orders passed by this Court, it
does not appear that the question of maintainability of
anticipatory bail application was raised.

However, it is directed that if the petitioner surrenders
before the Court below within four weeks from today and
applies for regular bail, his application for regular bail shall be
considered on its own merit and disposed of on the same day
considering the fact that similarly circumstanced co-accused
persons have been allowed anticipatory bail by this Court.

(Chakradhari Sharan Singh, J)

Pawan/-

U		T	
---	--	---	--

