

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38380 of 2021

Arising Out of PS. Case No.-52 Year-2020 Thana- BIDUPUR District- Vaishali

DEEPAK KUMAR, aged about 38 years (M), son of late Sagar Rai @ Ram Sagar Rai, resident of village- Nawanagar, P.S.- Bidupur, District- Vaishali

... .. Petitioner

Versus

1. The State of Bihar.
2. Enforcement Directorate through Assistant Director/ Deputy Director, Patna.
3. Director General of Income Tax (Investigation), Patna.

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Ashok Kumar Mishra, Advocate
		Ms. Usha Kumari Singh, Advocate
For the Opposite Party	:	Mr. Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 20-12-2021 Heard Mr. Rishi Raj Sinha, learned counsel for the Income Tax Department, Mr. K.N. Singh, learned Senior Counsel assisted by Mr. Manoj Kumar Singh, learned counsel for the Enforcement Directorate and Mr. Ajay, learned counsel for the State.

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.

The petitioner seeks anticipatory bail in connection with CNR No. BRVA010033322021, arising out of Bidupur P.S. Case No. 52 of 2020 registered for the offence under Section 30(a) of the Bihar Prohibition & Excise.



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.

In this case, huge quantity of liquor has been recovered and as per the direction of this Court, the State authorities were required to act in this matter.

Considering the fact that now, the State authorities are acting in this matter, there is no need to keep this matter pending.

(Sandeep Kumar, J)

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