

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39145 of 2021

Arising Out of PS. Case No.-238 Year-2020 Thana- CHAINPUR District- Kaimur (Bhabua)

1. AJAY PASWAN @ AKCHHAY KUMAR PASWAN, Son of Ramji Paswan.
2. Ram Dular Paswan Son of Potan Paswan. Both Resident of Village - Madurna, P.S.- Chainpur, District - Kaimur at Bhabua.

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Parwej Khan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-12-2021

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.

This application for grant of anticipatory bail arises out of Chainpur P.S. Case No. 238 of 2020 registered for the offence under Section 30(a) of the Bihar Prohibition & Excise (Amendment) Act, 2018.

Learned counsel for the petitioners seeks permission to withdraw this bail application on behalf of petitioner no.1, above named.

Accordingly, this bail application is dismissed as withdrawn as against petitioner no.1, above named.



In view of the fact that *prima facie* a case under the Excise Act, is made out against the petitioner no.2, this application for grant of anticipatory bail to the petitioner no.2 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 as against petitioner no.2, above named.

(Sandeep Kumar, J)

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