

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39110 of 2021**

Arising Out of PS. Case No.-79 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.
District- Muzaffarpur

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RUPESH KUMAR, son of Shashi Bhushan Kumar Singh @ Shashi Bhushan Kumar, Resident of Village-Makrandpur, P.S.- Gaighat, District- Muzaffarpur, Bihar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Prabhat Kumar Singh, Advocate
For the Opposite Party : Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 10-12-2021

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 Excise Case No. 79 of 2021, P.R. Case No. 96 of 2021 registered for the offence under Section 30(a) of the Bihar Prohibition & Excise Act.

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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