

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41809 of 2021**

Arising Out of PS. Case No.-109 Year-2021 Thana- MIRGANJ District- Gopalganj

BHOLA PRASAD @ BHOLA PD Son of Late Dharmnath Prasad Resident of
Village - Dakshin Mahalla Miraganj, Ward No.8, P.S.- Mirganj, Distt.-
Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh

For the Opposite Party/s : Mr.Pronoti Singh

**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 Mirganj P.S. Case No. 109/2021 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 is
dismissed as not maintainable.

(Sandeep Kumar, J)

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