

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43129 of 2021

Arising Out of PS. Case No.-103 Year-2021 Thana- RAFIGANJ District- Aurangabad

1. MUNNA YADAV @ AMRESH KUMAR Son of Krishna Yadav @ Krishna Singh Resident of Village - Ghota, P.S. Bandeya, District - Aurangabad.
2. SUSHIL YADAV @ SUSHIL KUMAR Son of Dhirendra Yadav Resident of Village - Ghota, P.S. Bandeya, District - Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Anand

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-12-2021 At the very outset, learned counsel for the petitioner submits that the present application has become infructuous as the petitioner No. 1 has been arrested and seeks permission to withdraw the same.

It is, thus, dismissed as withdrawn as having become infructuous as against petitioner No. 1.

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 Rafiganj P.S. Case No. 103/2021 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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