

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46359 of 2021

Arising Out of PS. Case No.-166 Year-2021 Thana- MAHARAJGANJ District- Siwan

1. SURESH YADAV Son of Nema Yadav @ Nema Ray Resident of Village - Mustafabad, Police Station - Goreakothi, District - Siwan.
2. Sanjay Yadav @ Sanjay Kumar Yadav Son of Nema Yadav @ Nema Ray Resident of Village - Mustafabad, Police Station - Goreakothi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghav Prasad
For the Opposite Party/s : Mr.Nityanand

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-12-2021 At the very outset, learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application as against petitioner No. 2 (Suresh Yadav).

Permitted to be withdrawn.

It is, thus, dismissed as withdrawn as against petitioner No. 2.

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 Maharajganj P.S. Case No. 166/2021 registered for the



offence under Sections 30(a)/36/41(1) of the Bihar Prohibition and Excise Act and Sections 414/34 of the Indian Penal Code.

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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