

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55556 of 2021

Arising Out of PS. Case No.-737 Year-2020 Thana- MAHUA District- Vaishali

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GOPAL MAHTO @ GOPAL KUMAR, S/O ARJUN MAHTO, R/o village-
Mahua Kali Asthan, P.S.- Mahua, District- Vaishali

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Anuj Kumar, Advocate

For the Opposite Party : Mr. Lakshmi Kant Sharma, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-12-2021

Heard Mr. Rishi Raj Sinha, learned counsel for the
Income Tax Department, Mr. K.N. Singh, learned Senior
Counsel assisted by Mr. Manoj Kumar Singh, learned counsel
for the Enforcement Directorate and Mr. Ajay, learned counsel
for the State.

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.

The petitioner seeks anticipatory bail in connection
with Mahua P.S. Case No. 737 of 2020 registered for the offence
under Sections 30(a)/32(ii)/34(ii)/38(ii)/41(i) 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.

In this case, huge quantity of liquor has been recovered and as per the direction of this Court, the State authorities were required to act in this matter.

Considering the fact that now, the State authorities are acting in this matter, there is no need to keep this matter pending.

(Sandeep Kumar, J)

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