

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2461 of 2021

Arising Out of PS. Case No.-389 Year-2020 Thana- SUGAULI District- East Champaran

Ashok Chaudhary @ Ashok Mahto, Male, aged about 38 years, son of Vishwanath Mahto, resident of Village- Jhakhiya, P.S.- Banjariya, P.O.- Mokhlispur Semra, District- East Champaran

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Raju Giri, Advocate

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-11-2021

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises out of Sugauli P.S. Case No. 389 of 2020 registered for the offence under Section 30(a) of the Bihar Excise Prohibition (Amendment) Act, 2018.

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.



However, if the petitioner surrenders before the Court below within four weeks from today and prays for regular bail, the Court below will consider the same and pass appropriate order on merits expeditiously without being influenced by the order of this Court. It is further observed that the Court below shall also consider the fact that the name of the petitioner has come in the F.I.R. on the basis of confessional statement of co-accused.

(Sandeep Kumar, J)

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