

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2413 of 2021

Arising Out of PS. Case No.-322 Year-2020 Thana- BARH District- Patna

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BIRU KUMAR Son of Late Shrawan Ram @ Sharwan Ram, Resident of
Village- Naya Tola, Akbarpur Road, Bichali, Malahi, P.S. Barh, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Anaant Kumar I, APP

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-11-2021 Heard the parties.

The petitioner apprehends his arrest in connection
with Special Case No. 5017/2020 arising out of Barh P.S. Case
No.322/2020, registered for the offence punishable under
Section 30 (A) of the Bihar Prohibition and Excise Act.

Learned counsel for the petitioner seeks permission to
withdraw this application.

Permission is granted.

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 (FB).

Accordingly, this application is disposed of as not maintainable.

If the petitioner surrenders and prays for regular bail before the Court below within a period of four weeks from today, the Court below will consider the same without being prejudiced by the fact that the anticipatory bail application of the petitioner has been withdrawn by this Court. The Court below shall also consider the fact that there is no recovery from the possession of the petitioner and only on suspicion he has been made accused in this case.

(Sandeep Kumar, J)

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