

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2007 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- BAIRIYA District- West Champaran

1. SANTOSH PRASAD Son of Late Chandrika Prasad, Resident of Village - Tadhawanandpur, P.S.- Bairiya, District - West Champaran.
2. Ravan Yadav, Son of Late Loha Yadav, Resident of Village - Motipur, P.S.- Bairiya, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No 7, Adv.

For the Opposite Party/s : Mr. Sanjay Kumar Singh, 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 Bairiya P.S. Case No. 231/2020 registered for the offence under Section 30 (A) of the Bihar Prohibition and Excise Act.

After some argument of the parties, learned counsel for the petitioners seek permission to withdraw this application in view of the fact that the anticipatory bail application is not maintainable in light 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Accordingly, this application is dismissed as withdrawn.



However, if the petitioners surrender before the Court below within a period of four weeks from today and seek regular bail, the Court below shall be consider and decide the same without being prejudiced by the fact that the anticipatory bail application is not maintainable. The Court below will also consider that the petitioners were not caught with the recovered liquor.

Accordingly, this application is disposed of as not maintainable.

(Sandeep Kumar, J)

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