

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2529 of 2021

Arising Out of PS. Case No.-88 Year-2020 Thana- BISHWAMBHARPUR District-
Gopalganj

=====

SURESH YADAV, aged about 55 years, Son of Shivpujan Yadav, Resident of
Village - Rampur Madhav, P.S.- Kuchaikot, Distt.- Gopalganj.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Harendra Prasad, Advocate
For the Opposite Party/s : Mr. A.M.P. Mehtra, APP

=====

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-11-2021

Heard learned counsel for the parties.

This application for grant of anticipatory bail arises
out of Bishambharpur P.S. Case No. 88 of 2020 registered for
the offence under Section 30(a) 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.



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 its merits without being influenced by the order of this Court. It is further observed that the Court below shall also consider the fact that the petitioner was not found travelling on the motorcycle.

(Sandeep Kumar, J)

pawan/-

U		T	
---	--	---	--

