

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58129 of 2021

Arising Out of PS. Case No.-234 Year-2021 Thana- RAMPUR District- Gaya

MITHLESH KUMAR SINGH @ MUKESH KUMAR, Son of Chandradev Singh, Resident of Village- Kuwarpur, P.S.- Pipra, District- East Champaran, Motihari.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party : Mr. Parmanand Kumar, APP

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 Rampur P.S. Case No. 234 of 2021 registered for the offence under Sections 414, 468, 472, 420/34 of the I.P.C. and 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.

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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