

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2562 of 2021

Arising Out of PS. Case No.-106 Year-2020 Thana- MAHKAR District- Gaya

1. Minta Devi W/o Surendra Chaudhary Resident of Village-Rampur, P.S.- Mahkar, District-Gaya.
2. Sudhir Yadav Son of Ganairi Yadav Resident of Village-Rampur, P.S.- Mahkar, District-Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner	:	Mr. Vinod Kumar
		Mr. Diwakar Prasad Singh, Advocates
For the State	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 16-11-2021 At the very outset, learned counsel for the petitioners submits that petitioner no.1, namely, Minta Devi has been arrested during the pendency of this application. Hence, he seeks permission to withdraw the application on her behalf.

Permission is accorded. The application is dismissed as withdrawn so far as petitioner no.1, namely, Minta Devi is concerned.

Heard the parties.

Petitioner No.2, namely, Sudhir Yadav, apprehends his arrest in connection with Mahkar P.S. Case No. 106 of 2020 registered for the offence under Section 30(a)(d) of the Bihar Prohibition and Excise (Amendment) Act, 2018.



Prima facie case is made out under the provisions of the Bihar Prohibition and Excise (Amendment) Act, 2018 against the petitioner.

In that view of the matter, in view of the judgment of the Full Bench of this Court in the case of ***Ram Binay Yadav Vs. The State of Bihar*** reported in 2019 (2) PLJR 1089 (Full Bench), this anticipatory bail application is not maintainable. Hence, it is dismissed as not maintainable.

In case 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 petition for regular bail of the petitioner without being prejudiced by the fact that anticipatory bail petition has been rejected by this Court.

(Sandeep Kumar, J)

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