

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59030 of 2021

Arising Out of PS. Case No.-106 Year-2021 Thana- DIGHWARA District- Saran

1. NATHA MAHTO Son of Badri Mahto Resident of Village- Saidpur, P.S. and P.O.- Dighwara, District- Saran at Chapra.
2. Shiv Ratan Mahto S/o Dularchand Mahto Resident of Village- Saidpur, P.S. and P.O.- Dighwara, District- Saran at Chapra.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh

For the Opposite Party/s : Mr.Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 17-12-2021 Heard learned counsel for the parties.

Learned counsel for the petitioners are permitted to remove defect(s) as pointed out by the office, if any, within a period of four weeks from today.

This application for grant of anticipatory bail in connection Dighwara P.S. Case No. 106 of 2021, registered for the offence under Sections 272, 273 of the Indian Penal Code and Sections 30(a), 38, 41(1) of the Bihar Prohibition & Excise Act, 2016.

In view of the fact that *prima facie* a case under the Excise Act, is made out against these petitioners, this application for grant of anticipatory bail to the petitioners are



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.

(Sandeep Kumar, J)

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