

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7790 of 2021**

Arising Out of PS. Case No.-123 Year-2020 Thana- RAGHOPUR District- Vaishali

1. RANJAN KUMAR (male), aged about 19 years, son of Shree Umesh Rai @ Umesh Rai.
2. Mintu Rai (male), aged about 18 years, son of Late Nakeshwar Rai @ Late Nakesar Rai.
3. Dharmendra Rai (male), aged about 24 years, son of Shankar Rai.  
All resident of village- Jafrabad, P.S.- Raghapur (Rustampur O.P.),  
District- Vaishali

... .. Petitioners

Versus

The State of Bihar.

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate  
For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

2      26-11-2021                      Heard learned counsel for the parties.

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

Learned counsel for the petitioners seeks permission to withdraw this bail application on behalf of the petitioner no. 3 namely, Dharmendra Rai, as he has been arrested.

Accordingly, this bail application is dismissed as withdrawn as against petitioner no. 3.

This application for grant of anticipatory bail arises out of Raghapur (Rustampur O.P.) P.S. Case No. 123 of 2020,



registered for the offence under Section 414/34 of the Indian Penal Code and under Section 30(a) of the Bihar Prohibition & Excise Act, 2018.

In view of the fact that prima facie a case under the Excise Act, is made out against the petitioner nos. 1 and 2, this application for grant of anticipatory bail to the petitioner nos. 1 and 2 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.

**(Sandeep Kumar, J)**

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