

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.62056 of 2021**

Arising Out of PS. Case No.-30 Year-2021 Thana- HATHAURI District- Samastipur

NARESH MANDAL, aged about 37 years, Gender-Male, son of Late Guneshwar Mandal, Resident of Village- Kankhariya Shivaji Nagar, P.S.- Hathauri, District- Samastipur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Amit Kumar Jha, Advocate

For the Opposite Party : Mr. Rabindra Kumar, APP

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

2      17-12-2021

Heard learned counsel for the parties.

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 Hathauri P.S. Case No. 30 of 2021 registered for the offence under Section 38 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 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.

**(Sandeep Kumar, J)**

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