

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7721 of 2021**

Arising Out of PS. Case No.-351 Year-2020 Thana- UDWANTNAGAR District- Bhojpur

1. Dharmendra Yadav, aged about 28 years, Male, son of Rajkumar Yadav.
 2. Bhuar Yadav, aged about 25 years, Male, son Of Shadhu Yadav.
 3. Chotelal Yadav, aged about 26 years, Male, Son Of Suresh Yadav.
- All are R/O Village- Asani, P.S.- Udwantnagar, Dist.- Bhojpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jharkhadi 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 nos. 1 and 3 namely, Dharmendra Yadav and Chotelal Yadav, as they have been arrested.

Accordingly, this bail application is dismissed as withdrawn as against petitioner nos. 1 and 3.

This application for grant of anticipatory bail arises out of Excise Case No. 1266 of 2020, arising out of



Udwanatnagar P.S. Case No. 351 of 2020 registered for the offence 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 no.2, this application for grant of anticipatory bail to the petitioner no. 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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