

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.66610 of 2021**

Arising Out of PS. Case No.-102 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Begusarai

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Rajiv Kumar Sharma, Son Of Late Vinay Kumar Sharma, Resident of Village  
- Rajwara , Ward No.01, P.S.- Barauni, Distt.- Begusarai.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Krishna Chandra, Advocate  
For the Opposite Party : Mr. Lakshmi Kant Sharma, APP

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

3      20-12-2021                      Heard Mr. Rishi Raj Sinha, learned counsel for the  
  
Income Tax Department, Mr. K.N. Singh, learned Senior  
Counsel assisted by Mr. Manoj Kumar Singh, learned counsel  
for the Enforcement Directorate and Mr. Ajay, learned counsel  
for the State.

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 Excise Case No. 102C2 of 2021 registered for the offence  
under Section 30(a) of the Bihar Prohibition & Excise  
(Amendment) Act, 2018.

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.

In this case, huge quantity of liquor has been recovered and as per the direction of this Court, the State authorities were required to act in this matter.

Considering the fact that now, the State authorities are acting in this matter, there is no need to keep this matter pending.

**(Sandeep Kumar, J)**

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