

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6696 of 2022

Arising Out of PS. Case No.-270 Year-2021 Thana- BARHARA District- Bhojpur

SIKANDAR RAI @ SIKANDAR YADAV, Son of Dhaniram Yadav, Resident
of Village- Shaligram Singh Ka Tola, P.S.- Barahara, District- Bhojpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Dharmesh Kumar Shrivastava, Advocate
For the Opposite Party : Ms. Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-03-2022

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 Excise Case No. 880 of 2021, arising out of Barhara P.S.
Case No. 270 of 2021 registered for the offence under Section
30(a) and 36 of the Bihar Excise Prohibition (Amendment) Act,
2018.

Learned counsel for the petitioner submits that
similarly situated co-accused has been granted anticipatory bail
by a coordinate Bench of this Court in Criminal Miscellaneous
No. 52458 of 2021 vide order dated 26.11.2021.

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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