

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6377 of 2022

Arising Out of PS. Case No.-227 Year-2021 Thana- PHULWARIYA District- Gopalganj

1. Rahul Kumar Son Of Prabhu Chauhan, R/O Village- Bania Chhapar, P.S.- Phulwaria, District- Gopalganj
2. Santosh Yadav Son Of Kailash Yadav R/O Village- Shrinagar Dhusa, P.S.- Phulwaria, District- Gopalganj

... .. Petitioners

Versus

The State Of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr. Dheeraj Kumar, Advocate
For the Opposite Party : Mr. Mritunjay Kumar Nirala, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 07-03-2022

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.

This application for grant of anticipatory bail arises out of Phulwaria P.S. Case No. 227 of 2021 registered for the offence under Section 30(a) of the Bihar Excise Prohibition (Amendment) Act, 2018.

In view of the fact that *prima facie* a case under the Excise Act, is made out against the petitioners, this application for grant of anticipatory bail to the petitioners 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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