

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11494 of 2022

Arising Out of PS. Case No.-52 Year-2021 Thana- RAJAOLI District- Nawada

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1. KAMLESH YADAV S/o Late Ganauri Yadav
 2. SARJU YADAV S/o Late Ramswarup Yadav Resident of Village- Mohkama, P.S.- Rajauli, District- Nawada.
 3. DHANESHAR @ CHANESHAR YADAV S/o Ramswarup Yadav
All are Resident of Village- Mohkama, P.S.- Rajauli, District- Nawada.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Verma
For the Opposite Party/s : Mr.Pushpa Sinha.1

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 01-04-2022 At the very outset, learned counsel for the petitioner seeks permission to withdraw the present anticipatory bail application as against petitioner No. 2 (Sarju Yadav).

Permitted to be withdrawn.

It is, thus, dismissed as withdrawn as against petitioner No. 2.

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.

Heard learned counsel for the petitioners and learned Additional Public Prosecutor for the State.



The petitioners apprehend their arrest in connection with Rajauli P.S. Case No. 52/2021 registered for the offences punishable under Sections 30(a)/41 of the Bihar Prohibition and Excise Act.

110 litres of illicit liquor was recovered from the forest. Three persons were arrested who in their self inculpatory statement have named the petitioners.

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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