

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18259 of 2022

Arising Out of PS. Case No.-250 Year-2021 Thana- PHULWARIYA District- Gopalganj

Sunil Yadav S/o Suresh Yadav R/o village- Madarwani, P.S.- Phulwariya,
District- Gopalganj

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Milind Kumar Mishra, Advocate.

For the Opposite Party/s : Mr. Rabindra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 15-04-2022 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 Phulwariya P.S. Case No. 250 of 2021, registered for the offences under Section 30(A) of Bihar Prohibition Excise Act.

The petitioner has two criminal antecedent out of which one is of Excise Act and another is under Section 379 & 323 of I.P.C. The recovery illicit liquor is of 223 litres and the petitioner has been identified by the witnesses fleeing away from the place of occurrence.

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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