

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21850 of 2022**

Arising Out of PS. Case No.-58 Year-2021 Thana- MALAYPUR District- Jamui

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GANESH KUMAR SINGH Son of Bajit Prasad Singh Resident of Bodhwan,
Talab, P.S.- Jamui, District - Jamui.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanju Singh

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 06-05-2022 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.

At the very outset, learned counsel for the petitioner submits that in paragraph No. 1, the year of the police station case has been wrongly typed as “Malaypur P.S. Case No. 58 of 2022” whereas it should be “Malaypur P.S. Case No. 58 of 2021.”

Let the same be corrected and read as “Malaypur P.S. Case No. 58 of 2021” instead of “Malaypur P.S. Case No. 58 of 2022”

Heard learned counsel for the petitioner and the State.

The petitioner prays for grant of anticipatory bail in Malaypur P.S. Case No. 58 of 2021 registered for the offence



punishable under Sections 30(a)/36/41(1) of the Bihar Prohibition and Excise Act and Section 272/273/34 of the Indian Penal Code.

The complicity of the petitioner has been found during investigation.

In view of the recovery and the material available against the petitioner, *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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