

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36599 of 2022

Arising Out of PS. Case No.-926 Year-2021 Thana- NAGAR District- Vaishali

1. SHYAM LAL RAY SON OF LATE MAIN RAY RESIDENT OF WARD NO. 31, HARBANSHPUR, MOHALLA- RAMBHADRA, P.S.- HAJIPUR TOWN, DISTRICT- VAISHALI
2. SHITAL RAY SON OF MAIN RAY RESIDENT OF WARD NO. 31, HARBANSHPUR, MOHALLA- RAMBHADRA, P.S.- HAJIPUR TOWN, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Anirudh Kumar Sinha
For the Opposite Party/s : Mr.Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 02-12-2022 Heard learned counsel for the petitioners and the State.

Petitioners apprehend their arrest in a case registered for the offence punishable under Section 30 (a) of the Bihar Prohibition & Excise Act.

As per the prosecution case, 15 liter of country made liquor has been recovered from the house of these petitioners.

Learned counsel appearing for the petitioners submits that petitioners are innocent and have falsely been implicated in the case. No incriminating article has been recovered from the conscious possession of the petitioners and they are no way concerned with the alleged recovery. Petitioners have got clean



antecedent.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

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.

(Prabhat Kumar Singh, J)

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