WEST VIRGINIA CODE: §58-5-30

§58-5-30. Appeal by state of judgment quashing indictment.

Whenever in any criminal case an indictment is held bad or insufficient by the judgment of a circuit court, the state, on the application of the Attorney General or the prosecuting attorney, may appeal such judgment to the Supreme Court of Appeals. No such appeal shall be allowed unless the state presents its petition therefor to the Supreme Court of Appeals within thirty days after the entry of such judgment. No such judgment shall finally discharge, or have the effect of finally discharging, the accused from further proceedings on the indictment unless the state fails, within such period of thirty days, to file a petition for appeal with the clerk of the court in which judgment was entered; but after the entry of such judgment or order the accused shall not be kept in custody or required to give bail pending the hearing and determination of the case by the Supreme Court of Appeals.

Except as herein otherwise provided, all the provisions of the other sections of this article shall, so far as appropriate, be applicable to a petition for an appeal under this section, and to all subsequent proceedings thereon in the Supreme Court of Appeals in case such appeal is granted.

WV Legislature