

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27564 of 2017

Arising Out of PS.Case No. -163 Year- 2016 Thana -BITHAN BAZAR District- SAMASTIPUR

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Kundan Kumar son of Late Rama Kant Sah, Resident of Village- Sohma,
P.S.- Bithan, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma, Advocate

For the Opposite Party/s : Mr. Yogendra Kr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 07-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with Bithan
P.S.Case No.163 of 2016 registered for the offences under
Sections 273 of the Indian Penal Code and 30(a), 32(3) and 41(1)
of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act'),
the petitioner has filed the present application under Section 438
of the Code of Criminal Procedure for grant of pre-arrest bail.

3. In view of the provision prescribed under sub-section
(2) of Section 76 of 'the Act', as also in view of the order dated
07.07.2017 passed by this Court in the matter of Ashok Sahani Vs.
State of Bihar (Cr.Misc. No. 26109 of 2017), I am of the
considered opinion that an application under Section 438 of the
Code of Criminal Procedure, 1973 would not be maintainable in



any case involving the arrest of any person on accusation of offence committed under 'the Act'.

4. Hence, the present application filed under Section 438 of the Code of Criminal Procedure for grant of pre-arrest bail to the petitioner in a case involving accusation of offence committed under the 'the Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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