

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25780 of 2017

Arising Out of PS.Case No. -102 Year- 2017 Thana -MASRAKH District- SARAN

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1. Phul Kumari Devi Wife of Dhruv Rai Resident of Village-Lutwan, P.s.-
Isuapur District-Saran

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar, Adv.

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, 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 Mashrak
P.S.Case No. 102 of 2017 registered for the offences under
Sections 30(a), 38 and 41 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', 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)

Pradeep/-

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