

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26753 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -ALOULI District- KHAGARIA

- =====
1. Hari Paswan @ Harinandan Paswan son of Late Anandi Paswan
 2. Ratni Devi wife of Hari Paswan @ Harinandan Paswan
- Both resident of village & P.S.- Alauli, District -Khagaria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ram Sumiran Rai, Advocate
For the Opposite Party/s : Smt. Sangeeta Sharma, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

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

2. Apprehending their arrest in connection with Alauli P.S.Case No. 34 of 2017 registered for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 (for short ‘the Act’), the petitioners have 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 petitioners in a case involving accusation of offence committed under the 'the Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

U		T	
---	--	---	--

