

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.29797 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -KHAJEKALLAN District- PATNA

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Upendra Rai, son of Late Sovit Rai, resident of Ghagha Gali, P.S.-
Khajekalan, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Raj Bansh Dubey, Advocate

For the State : Mr. Tarkeshwar Nath Thakur, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH
ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with
Khajekalan P.S.Case No.34 of 2017 registered for the offences
under Sections 290 of the Indian Penal Code and 30(a) of the
Bihar Prohibition and Excise Act, 2016, 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 Bihar Prohibition and Excise Act,
2016 (for short '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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