

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.31786 of 2017**

Arising Out of PS.Case No. -119 Year- 2017 Thana -ARA NAWADA District- BHOJPUR

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Vinayak Kumar @ Binayaki Kumar @ Vineyaki Kumar @ Chhotua, S/o  
Nawal Kishore Prasad @ Aabha Gop, resident of Village- Shital Tola, Ara,  
Police Station- Ara Town, District- Bhojpur, Ara.

.... .... Petitioner

Versus

The State of Bihar.

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Rajiva Ranjan, Advocate

For the Opposite Party/s : Mr. Satyadev Prasad Singh Yadav, 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  
Excise Case No. 197 of 2017 arising out of Ara Nawada P.S. Case  
No.119 of 2017 registered for the offence under Section 32(3) 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 Act' is disposed of as not maintainable.

**(Ashwani Kumar Singh, J.)**

Sanjeet/-

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