IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32088 of 2017

Arising Out of PS.Case No. -98 Year- 2017 Thana -MOTIHARI MUFASIL District- EAST CHAMPARAN (MOTIHARI)

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Sanjay Sahni, Son of Late Nakchhed Sahni, Resident of Village- Jhitkahiya, P.S.- Lakhaura, District- East Champaran.

.... Petitioner

Versus

The State of Bihar .... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajendra Nath Sinha, Advocate

For the Opposite Party/s : Dr. Kumar Uday Pratap, 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 Muffasil Lakhaura P.S.Case No. 98 of 2017 registered for the offences under Section 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

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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.

5. In case the petitioner surrenders and seeks bail, the court below shall keep in mind the observations made by this Court in the aforementioned order dated 07.07.2017 passed in Cr. Misc. No.26109 of 2017 while disposing of the bail application on merits.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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