

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30992 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -RAJIVNAGAR District- PATNA

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Darbari Rai son of Damodar Rai, resident of Shastri Nagar, Near Sabji
Mandi, Khatal, P.S.- Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

For the State : Mr. Upendra Kumar, 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 Rajiv
Nagar P.S.Case No. 127 of 2017 registered for the offences under
Sections 30 and 37(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 provisions 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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