

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28562 of 2017

Arising Out of PS.Case No. -23 Year- 2017 Thana -MASRAKH District- SARAN

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Shambhu @ Shambhu Prasad Son of Late Bigan Prasad, Resident of
Village- Gopal Bari Masrakh, P.S.- Masrakh, District- Chapra (Saran).

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Parijat Saurav, Advocate

For the Opposite Party/s : Sri Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with
Masrakh P. S. Case No. 23 of 2017 registered for the offences
under Sections 30(a), 38 and 41 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, the instant application preferred under Section 438 of the
Code of Criminal Procedure, 1973 is not maintainable.



Accordingly, it is dismissed as not maintainable.

4. It is made clear that this Court has not examined the merits of the case. Hence, in case the petitioner surrenders and seeks bail, the court below shall consider his application on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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