IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28627 of 2017

Arising Out of PS.Case No. -461 Year- 2016 Thana -BARACHATTI District- GAYA

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Nirpat Prasad, Son of Sri Jhallu Mahto, resident of Village + P.O.- Jhurjhuri, P.S.- Barkatha, District- Hazaribag.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :
For the Petitioner/s : Mr. Sheel Bhadra Jha, Advocate
For the Opposite Party/s : Sri Amit Kumar Rakesh, 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 Barachatti P.S.Case No.461 of 2016 registered for the offences under Sections 279, 308, 272, 273 and 120-B of the Indian Penal Code and 30(a), 32(2), 38 and 47 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

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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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