

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31510 of 2017

Arising Out of PS.Case No. -127 Year- 2017 Thana -TURKAULIYA District- EAST
CHAMPARAN (MOTIHARI)

=====

Laxman Mahto, Son of Jangi Mahto, Resident of Village- Jhakhiya, Police
Station- Banjariya, Distt- East Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma, 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
Turkauliya (Banjariya) P.S. Case No. 127 of 2017 registered for
the offences under Sections 272, 273 of the Indian Penal Code and
Section 37(d) 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 an 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.)

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