

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.32352 of 2017**

Arising Out of PS.Case No. -166 Year- 2017 Thana -MASAURHI District- PATNA

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Vicky Kumar, Son of Late Suresh Prasad @ Suresh Sao, resident of  
Village- Sati Asthan, P.O. and P.S.- Masaurhi, District- Patna.

.... .... Petitioner/s

Versus

The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Pandey Sanjay Sahay, Advocate

For the Opposite Party/s : Mr. Dilip 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  
Masaurhi P.S. Case No. 166 of 2017 registered for the offences  
under Section 290 of the Indian Penal Code and 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 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 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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