

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26059 of 2017

Arising Out of PS.Case No. -34 Year- 2017 Thana -KHAZANIHAT District- PURNIA

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1. Arbind Mandal @ Arbind Kumar, son of Late Kalanand Mandal @ Kalanath Mandal, R/o Village- Khaira, P.S.- Fika, District- Katihar.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dr. Bidhu Ranjan

For the Opposite Party/s : Mr. Smt. Indu Bala Pandey

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

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

2. Apprehending his arrest in connection with K. Hat (Sahayak) P.S.Case No. 34 of 2017 registered for the offences under Sections 323, 341, 379, 452, 307, 506/34 of the Indian Penal Code, 25(1-B)a, 26 of the Arms Act and 37(c) of the Bihar Prohibition and Excise Act, 2016 (for short 'the Act'), 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 Act', 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.)

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