

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26093 of 2017

Arising Out of PS.Case No. -43 Year- 2017 Thana -KARJA District- MUZAFFARPUR

=====

1. Ajay Rai @ Ajay Kumar, son of Ram Chandra Rai, resident of Village-Karja, P.S.- Karja, District- Muzaffarpur.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vipin Kumar

For the Opposite Party/s : Mr. Sri Rajendra Singh Shastriji

=====

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 Karja
P.S.Case No. 43 of 2017 registered for the offences under Sections
353, 272, 273, 427 of the Indian Penal Code and 30(a)/35 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)

Md.S./-

U		T	
---	--	---	--

