

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27860 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -PAKARIBARAW District- NAWADA

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Kamlesh Kumar son of Raj Kumar Prasad, resident of village - Sonubigha
(Sonu Bigha), P.S. - Kadirganj, District Nawada.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sheo Kumar Prasad, Advocate

For the Opposite Party/s : Smt. Indu Bala Pandey, A.P.P.

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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
Pakribarawan (Dhamoul) P.S.Case No. 20 of 2017 registered for
the offences under Section 30(a) 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', 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 'the Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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