

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27409 of 2017

Arising Out of PS.Case No. -169 Year- 2017 Thana -BEGUSARAI TOWN District- BEGUSARAI

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Kundan Paswan, Son of Kameshwar Paswan, Resident of Ward No. 37,
Ashok Nagar, Pokhariya, P.S.- Town, District- Begusarai.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate

For the Opposite Party/s : Mr. Pranav Kumar, APP

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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 Begusarai Town P.S.Case No.169 of 2017 registered for the offence 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.)

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