

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26038 of 2017

Arising Out of PS.Case No. -58 Year- 2017 Thana -SIRDALA District- NAWADA

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Hira Chaudhary S/o Prameshwar Chaudhary, resident of village- Jaghaur,
P.S.- Sirdala, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Mr. Ataur Rahman, 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 Sirdala
P.S.Case No. 58 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’, 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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