

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32959 of 2017

Arising Out of PS.Case No. -296 Year- 2017 Thana -MUZAFFARPUR TOWN District-
MUZAFFARPUR

=====

Mohan Paswan S/o Jairam Paswan, Resident of Village- Lakari Dhari Bandh
Ke Niche, P.S.- Muzaffarpur Town, District- Muzaffarpur.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate

For the Opposite Party/s : Sri Shailendra Kumar -1, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with Town
(O.P. Sikandarpur) P.S.Case No. 296 of 2017 registered for the
offences under Sections 272, 273, 290 of the Indian Penal Code
and 30(a) of the Bihar Prohibition and Excise Act, 2016, 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 Bihar Prohibition and Excise Act,
2016, the instant application preferred under Section 438 of the
Code of Criminal Procedure, 1973 is not maintainable.



Accordingly, it is dismissed as not maintainable.

4. It is made clear that this Court has not examined the merits of the case. Hence, in case the petitioner surrenders and seeks bail, the court below shall consider his application on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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