

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28405 of 2017

Arising Out of PS.Case No. -20 Year- 2017 Thana -TELHARA District- NALANDA
(BIHARSHARIFF)

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Raju Kumar S/o Sidheshwar Prasad @ Sidheshwar Yadav R/o Village -
Bijokhari, P.O. + P.S. -Telhara, District - Nalanda (Bihar).

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Raj Kishor Prasad, Advocate

For the Opposite Party/s : Sri Braj Kishore Prasad, 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
Telhara P.S.Case No. 20 of 2017 registered for the offences under
Sections 353 and 307/34 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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