

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33399 of 2017

Arising Out of PS.Case No. -333 Year- 2017 Thana -PHULWARI District- PATNA

- =====
1. Ashok Sharma @ Ashok Kumar Sharma, Son of Sri Ram Janam Sharma,
 2. Vikash Son of Ashok Sharma @ Ashok Kumar Sharma,
 3. Chottanki, Son of Ashok Sharma @ Ashok Kumar Sharma,
- All Residents of Village- Singra, P.S.- Janipur, District- Patna.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj, Advocate
For the Opposite Party/s : Sri Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

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

2. Apprehending their arrest in connection with Fulwari (Janipur) P. S. Case No. 333 of 2017 registered for the offences under Sections 30(a)(b)(c), 38(1) and 41(i) of the Bihar Prohibition and Excise Act, 2016, the petitioners have 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 petitioners surrender and seek bail, the court below shall consider their application on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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