

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31332 of 2017

Arising Out of PS.Case No. -83 Year- 2017 Thana -BARHARIA District- SIWAN

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Sabir Ali @ Sabir Ali Ahmmad, Son of Ali Ahmad, Resident of Village-
Gausi Hata, P.S.-Barharia, District-Siwan

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

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

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

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 13-07-2017

Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with
Barharia P.S. Case No. 83 of 2017 registered for the offences
under Sections 411, 412, 414/34 of the Indian Penal Code and
Sections 30, 38 and 41 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 (for short '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 Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J.)

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