

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33175 of 2017

Arising Out of PS.Case No. -74 Year- 2017 Thana -MASAURHI District- PATNA

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Rakesh Kumar, aged about 30 years, son of Sri Sohrai Prasad, Resident of
Village- Badri Bigha, P.S.- Masaurhi, District- Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Sharma, Advocate

For the Opposite Party/s : Smt. Reena Sinha, 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
Masaurhi P. S. Case No. 74 of 2017 registered for the offences
under Section 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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