

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.28113 of 2017

Arising Out of PS.Case No. -177 Year- 2017 Thana -MANER District- PATNA

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Bhola Kumar, Son of Nagendra Singh, Resident of Village- Dayalchak,
Police Station-Maner, District- Patna.

.... Petitioner

Versus

The State of Bihar

... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Akhauri Kamal Kishore Sahay, Advocate

For the Opposite Party/s : Smt. Asha Devi, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-07-2017

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

2. Apprehending his arrest in connection with Maner
P.S.Case No. 177 of 2017 registered for the offences under
Sections 272, 273 of the Indian Penal Code and Section 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
(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 'the Act' is disposed of as not maintainable.

5. In case the petitioner surrenders and seeks bail, the court below shall keep in mind the observations made by this Court in the aforementioned order dated 07.07.2017 passed in Cr.Misc. No. 26109 of 2017 while disposing of the bail application on merits.

(Ashwani Kumar Singh, J.)

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