

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.19128 of 2017**

Arising Out of PS.Case No. -481 Year- 2016 Thana -HAJIPUR SADAR District-  
VAISHALI(HAJIPUR)

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Vijay Kumar Son of Sanjiwan Singh, resident of Mohalla - Bagmali, P.S.  
Sadar, District - Vaishali

.... .... Petitioner

Versus

The State of Bihar

.... .... Opposite Party

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**Appearance :**

For the Petitioner/s : Mr. Bela Singh, Advocate

For the Opposite Party/s : Sri Akshay Lal Pandit, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH**

ORAL ORDER

3      20-07-2017                      Heard learned counsel for the petitioner and learned  
counsel for the State.

2.      Apprehending his arrest in connection with  
Hajipur Sadar P. S. Case No.481 of 2016 registered for the offence  
under 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, 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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