

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28008 of 2017

Arising Out of PS.Case No. -92 Year- 2017 Thana -GOVERNMENT OFFICIAL COMP. District-
SUPAUL

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1. Pradeep Paswan son of Siya Ram Paswan
2. Siya Ram Paswan son of Late Kishun Paswan
Both resident of Village- Thadhi Jiwachhpur, P.S.- Pipra, District-
Supaul.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Advocate

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

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

2. Apprehending their arrest in connection with Misc.
(Excise) Case No. 27 of 2017 arising out of Supaul P.S.Case
No.92 of 2017 registered for the offence under Section 30(a) of
the Bihar Prohibition and Excise Act, 2016 (for short 'the Act'),
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 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 petitioners in a case involving accusation of offence committed under the 'the Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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