

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28192 of 2017

Arising Out of PS.Case No. -175 Year- 2017 Thana -SIWAN MUFFASIL District- SIWAN

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Manish Yadav @ Manish Kumar Yadav son of Paras Yadav, R/o Village-
Ramdeo Nagar (Mahadeva), P.S.- Mahadeva (O.P.) , District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Opposite Party/s : Mr. Humayou Ahmad Khan, 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 Mufassil
Mahadeva (O.P.) P.S.Case No.175 of 2017 registered for the
offences under Sections 272, 273 and 308 of the Indian Penal
Code and Sections 30(a) and 41(1) of the Bihar Prohibition and
Excise Act, 2016 (for short 'the Act'), 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 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.

(Ashwani Kumar Singh, J)

Md.S./-

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