

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.25894 of 2017

Arising Out of PS.Case No. -135 Year- 2017 Thana -HAJIPUR District- VAISHALI(HAJIPUR)

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Amod Kumar @ Amod Chaudhary S/o Sri Suresh Choudhary, resident of
Village- Jadua Mamu Bhanja, P.S.- Hajipur Town, District- Vaishali.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rina Sinha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary 1, 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 Hajipur
Town P.S.Case No. 135 of 2017 registered for the offences under
Sections 272 and 188 of the Indian Penal Code and Sections 30,
38, 47 and 48 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', 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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