

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.31743 of 2017

Arising Out of PS.Case No. -52 Year- 2017 Thana -ROHTAS District- SASARAM (ROHTAS)

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1. Deepak Kumar @ Deepak Chaudhary, Son of Shiv Pujan Choudhary
Resident of Saraiya, P.S.- Amjhore, District -Rohtas.

2. Yogendra Choudhary, Son of Ram Chandra Choudhary, Resident of
Village- Saraiya, P.S.- Amjhore, District -Rohtas.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Rajesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Nirmal Kumar Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 13-07-2017

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

2. Apprehending their arrest in connection with
Rohtas (Amjhore) P.S. Case No. 52 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
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 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 petitioners in a case involving accusation of offence committed under 'the Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J.)

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