

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.32037 of 2017

Arising Out of PS.Case No. -40 Year- 2017 Thana -KUDRA District- BHABHUA (KAIMUR)

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1. Ram Parikha Singh @ Parikha Singh

2. Lal Mohan Singh

Both are sons of Dhunur Singh, resident of village-Miriya, P.S.-Sonhan,
District-Kaimur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Shyam Bihari Singh, Advocate

For the Opposite Party/s : Mr. Kanhaiya Kishore, 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
Kudra P.S. Case No. 40 of 2017 registered for the offences under
Sections 27-A, 20(b)(ii)(a) of the Narcotic Drugs and Psychotropic
Substances Act and Section 30(a) and 38(1)(2) 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 provisions 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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