

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26050 of 2017

Arising Out of PS.Case No. -41 Year- 2017 Thana -BANIAPUR District- SARAN

=====

Manish Kumar @ Manish Kumar Singh @ Tinku Son of Prabhunath Singh,
resident of Village- Lauwa Kala, P.S. Baniapur, District- Saran at Chapra.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Dilip Kumar Roy, Advocate

For the Opposite Party/s : Mr. Sri Dinesh Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 07-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with
Baniyapur P.S.Case No. 41 of 2017 registered for the offences
under Sections 30, 30(a) and 38 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./-

U		T	
---	--	---	--

