

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30471 of 2017

Arising Out of PS.Case No. -38 Year- 2017 Thana -GOVINDGANJ District-
EASTCHAMPARAN(MOTIHARI)

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Birendra Yadav son of Ramnath Yadav, Resident of Sareya Pandey Tola,
P.S.- Govindganj, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR
SINGH**

ORAL ORDER

2 13-07-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

2. Apprehending his arrest in connection with
Govindganj P.S.Case No.38 of 2017 registered for the offence
under Section 30 of the Bihar Prohibition and Excise Act, 2016,
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 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 petitioner in a case involving accusation of offence committed under the 'the Act' is disposed of as not maintainable.

5. In case the petitioner surrenders and seeks bail, the court below shall keep in mind the observations made by this Court in the aforementioned order dated 07.07.2017 passed in Cr.Misc. No. 26109 of 2017 while disposing of the bail application on merits.

(Ashwani Kumar Singh, J)

Md.S./-

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