

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30794 of 2017

Arising Out of PS.Case No. -19 Year- 2017 Thana -KIUL RAIL P.S. District- LAKHISARAI

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1. Hawaldar No.- 38 Dependra Prasad Yadav, son of Sri Mahabir Prasad Yadav, Resident of Village- Sonar Khap, P.S.- Tankupa, District- Gaya.
 2. Constable 108 Shiv Nath Turi, son of Late Maholal Turi, Resident of Village- Kanhaiyaganj, P.S.- Ongari, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar through Vigilance, Patna

.... Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate
	:	Mrs. Babita Kumari, Advocate
For the Opposite Party/s	:	Mr. Ramakant Sharma, (L.O.,Inc.,Vigilance)
	:	Mr. Rabindra Kumar, A.C. to Vigilance

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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 Kiul G.R.P. P.S.No.19 of 2017 registered for the offences under Sections 50 and 52 of the Bihar Prohibition and Excise Act, 2016 and later on Section 13(2) read with Section 13(1)(d) of the Prevention of Corruption Act. 1988 was added, 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 'the Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J)

Md.S./-

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