

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.18255 of 2017

Arising Out of PS.Case No. -28 Year- 2017 Thana -SIRDALA District- NAWADA

- =====
1. Shyam Sundar Chaudhary son of Deolal Chaudhary
 2. Chhotu Chaudhary son of Parmeshwar Chaudhary (Chaudhary)

Both resident of village:- Janghaul, P.S.- Sirdala, District- Nawada.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Krishna Deo Raj, Advocate

For the Opposite Party/s : Sri Ramesh Chandra, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 20-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Apprehending their arrest in connection with Sirdala P.S.Case No. 28 of 2017 registered for the offences under 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, the instant application preferred under Section 438 of the Code of Criminal Procedure, 1973 is not maintainable. Accordingly, it is dismissed as not maintainable.



4. It is made clear that this Court has not examined the merits of the case. Hence, in case the petitioners surrender and seek bail, the court below shall consider their application on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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