

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33185 of 2017

Arising Out of PS.Case No. -128 Year- 2017 Thana -CHAKIA District-
EASTCHAMPARAN(MOTIHARI)

- =====
1. Mithilesh Pandey son of Yogendra Pandey.
 2. Navnit Pandey son of Mahesh Pandey.

Both are Resident of Village- Phulwariya, P.S.- Chakiya, District- East
Champaran at Motihari.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

=====

Appearance :

For the Petitioner/s : Mr. Vibhakar Kumar, Advocate
For the Opposite Party/s : Mr. Sri Shailendra Kumar Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 20-07-2017 Heard learned counsel for the petitioners and learned
counsel for the State.

2. Apprehending their arrest in connection with
Chakiya P. S. Case No. 128 of 2017 registered for the offences
under Sections 272, 273, 290 of the Indian Penal Code and 30(a),
50(g), 57 and 60 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.)

Kanchan/-

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

