

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.31993 of 2017

Arising Out of PS.Case No. -46 Year- 2017 Thana -BITHAN BAZAR District- SAMASTIPUR

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1. Manoj Mukhiya

2. Gauri Mukhiya

Both sons of Raj Kumar Mukhiya, resident of village-Bithan, P.S.-
Bithan, District-Samastipur.

.... Petitioners

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vivek Anand Kumar, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

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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
Bithan P.S.Case No. 46 of 2017 registered for the offences under
Sections 273 of the Indian Penal Code and 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 (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 Act' is disposed of as not maintainable.

(Ashwani Kumar Singh, J.)

Sanjeet/-

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