

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6768 of 2018

Arising Out of PS.Case No. -101 Year- 2017 Thana -SHRIKRISHNAPURI District- PATNA

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1. Bablu Kumar, son of Sri Ajay Ram, resident of Shanti Kunj Apartment,
New Patliputa Colony, Police Station- Patliputra, District- Patna.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Opposite Party/s : Mr. Sri Umesh Lal Verma

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 11-04-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

This is second attempt for grant of pre-arrest bail by the petitioner in connection with Special Case No. 64 of 2017 arising out of Srikrishnapuri P.S.Case No. 101 of 2017 registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. The earlier application for grant of pre-arrest bail of the petitioner was disposed of as not maintainable on 07.07.2017 in Cr.Misc. No. 27577 of 2017 in view of the provisions prescribed under sub-section (2) of Section 76 of the Bihar Prohibition and Excise Act, 2016.

Learned counsel for the petitioner submitted that the petitioner is innocent and out of malice his name has been taken in



the confessional statement of the apprehended accused Amit Pathak, from whom recovery of illicit liquor was made.

On the other than, learned counsel for the State submitted that there are materials to show that it was the petitioner and one Pappu Mote who used to supply liquor to accused Amit Pathak, who used to supply to different customers through one Sonu Kumar.

The allegations made in the FIR do attract ingredients of the cognizable offence punishable under the Bihar Prohibition and Excise Act, 2016.

Thus, in view of the statutory bar created 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 is not maintainable. Accordingly, this application is dismissed as not maintainable.

(Ashwani Kumar Singh, J)

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