

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2742 of 2019

Arising Out of PS. Case No.-137 Year-2018 Thana- PRANPUR District- Katihar

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Neta Mandal, son of Raj Kumar Mandal, Resident of Village - Nadh Bhatta
Chowk, P.S.- Pranpur (Roshna), District-Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Md. Musowir, Advocate

For the Opposite Party/s : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 22-01-2019 In view of the allegation made in the first information report, it cannot be said that no *prima facie* case under the Bihar Prohibition and Excise Act, 2016 is made out against the petitioner.

Thus, keeping in mind the provisions prescribed under Section 76(2) of the Bihar Prohibition and Excise Act, 2016, an application under Section 438 of the Code of Criminal Procedure would not be maintainable. Accordingly, the application for grant of pre-arrest bail is rejected.

However, in case the petitioner surrenders and seeks bail, the court below shall consider the same keeping in mind the observations made by this Court in **Ashok Sahani vs. The**



State of Bihar since reported in **2017(3) PLJR 632.**

(Ashwani Kumar Singh, J.)

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