

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2747 of 2019

Arising Out of PS. Case No.-119 Year-2018 Thana- PIPRAHI District- Sheohar

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1. Sanjit Sah @ Sanjiv Sah, son of Hardev Sah, Resident of Village- Harpur, Police Station- Piprahi, District- Sheohar
 2. Vinod Mahto, son of Gagan Mahto, Resident of Village-Dhankaul, Police Station- Piprahi, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 22-01-2019 Heard learned counsel for the petitioners and learned
counsel for the State.

The petitioners seek pre-arrest bail in connection with
Piprahi P.S. Case No.119 of 2018 registered under Sections
120B, 182, 272, 273 of the Indian Penal Code, sections 30A,
50A of the Bihar Prohibition and Excise Act, 2016.

On perusal of the allegations made in the first
information report as contained in Annexure-1 to this petition, it
cannot be said that no *prima facie* case is made out against the
petitioners.

In that view of the matter, an application under
Section 438 of the Code of Criminal Procedure would not be
maintainable, as the provisions prescribed under sub-section (2)
of Section 76 of the Bihar Prohibition and Excise Act, 2016 bars



the same.

Accordingly, the application is dismissed.

In case, the petitioners surrender and seek bail, the same shall be considered on its own merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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