

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2644 of 2019

Arising Out of PS. Case No.-365 Year-2018 Thana- BASANTPUR District- Siwan

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Pappu Shah, Son of Shivjee Shah Resident of Village - Kishunpura, P. S. -
Basantpur (Lakri Nabiganj O.P.) District – Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Advocate

For the Opposite Party/s : Mr. Lakshmi Kant Sharma ,APP -31

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 21-01-2019 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks pre-arrest bail in connection with Basantpur P.S. Case No. 365 of 2018 registered under Sections 272, 273 and 308 read with 34 of the Indian Penal Code and Sections 30(a) and 41(1) of the Bihar Prohibition and Excise Act, 2016.

Considering the allegations made in the first information report, it cannot be said that no *prima facie* case under Section 30(a) of the Bihar Prohibition and Excise Act, 2016 is made out.

In that view of the matter, as there is bar to an application under Section 438 of the Code of Criminal Procedure under Section 76(2) of the Bihar Prohibition and



Excise Act, 2016, I am not inclined to grant pre-arrest bail to the petitioner. Accordingly, the application for grant of pre-arrest bail is rejected.

However, in case the petitioner surrenders and seeks 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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