

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24964 of 2019

Arising Out of PS. Case No.-121 Year-2018 Thana- VAISHALI District- Vaishali

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ARUN KUMAR PRABHAKAR Son of Ram Lakhan Prasad Yadav @ Ram
Lakshan Prasad Yadav Resident of Village - Nandpur Near M.P.S. School,
P.s.- Sadar Muzaffarpur, Distt.- Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Pramod Kumar Verma, Advocate

For the Opposite Party : Mr.Md. Anbzarul Haque Sahara, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 17-08-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Vaishali P. S. Case No. 121 of 2018 registered under
Sections 30(a), 32(2) and 41(1) of the Bihar Prohibition and
Excise Act, 2016.

Considering that sub-section (2) of Section 76 of
the Bihar Prohibition and Excise Act, 2016 bars application of
Section 438 of the Code of Criminal Procedure as also the ratio
laid down by the Full Bench of this Court in the matter of **Ram
Vinay Yadav vs. the State of Bihar**, since reported in **2019(2)
PLJR 1089**, since the ingredients of the offences punishable



under the Excise Act are attracted, the application for grant of pre-arrest bail is rejected as not maintainable.

(Ashwani Kumar Singh, J)

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