

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24965 of 2019**

Arising Out of PS. Case No.-246 Year-2018 Thana- BENIPATTI District- Madhubani

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AKHILESH YADAV S/o- Yogi Yadav, R/O Village- Manparur, P.S.-
Benipatti, District- Madhubani.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Sanjay Kumar Jha, Advocate

For the Opposite Party : Mr.Mohammad Sufyan, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

4 17-08-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection
with Benipatti P. S. Case No. 246 of 2018 registered under
Section 30(a) 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 offence 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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