

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30193 of 2019**

Arising Out of PS. Case No.-60 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Sunil Chaudhary Son of Sewak Chaudhary Resident of Village-Pathraura
(Bhukhan Bigha), P.S.-Magadh Medical, District-Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Vinod Kumar
For the Opposite Party/s : Mr.Sharda Kumari

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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
Gaya Magadh Medical P.S. Case No. 60 of 2019 registered
under Section 30(1)(d) of the Bihar Prohibition and Excise Act,
2016.

Considering that in view of the allegation made in the
FIR, a prima facie case under the Bihar Prohibition and Excise
Act, 2016 is made out, keeping in mind the ratio laid down by
the Full Bench of this Court in *Ram Vinay Yadav Vs, State of
Bihar*, since reported in *2019(2) PLJR 1089* and sub-section (2)
of Section 76 of the Bihar Prohibition and Excise Act, 2016,
which bars applicability of Section 438 of the Code of Criminal



Procedure, I am not inclined to grant pre-arrest bail to the petitioner.

The application is rejected as not maintainable.

(Ashwani Kumar Singh, J)

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