

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59346 of 2019

Arising Out of PS. Case No.-17 Year-2019 Thana- KOTHIGRAM District- Gaya

1. Rajesh Prasad @ Rajesh Kumar S/o Kamlesh Saw R/o village- Bakoriya, P.S.- Manika Satbarwa, District- Plamu (Jharkhand), at present residing at Gandhi Maidan in front of Masjid, Near- Hanuman Mandir, P.S.- Town, District- Aurangabad
2. Kanchan Kumar S/o Kapil Saw R/o village- Ibrahimpur, P.S.- Fesar, District- Aurangabad. At present residing at Gandhi Maidan in front of Masjid, Near- Hanuman Mandir, P.S.- Town, District- Aurangabad
3. Ajay Kumar @ Vikash Kumar Sahi S/o Gopal Prasad @ Gopal Prasad Gupta R/o Mohalla- Shahpur, Pokhara, Near Narendra Hall, P.S.- Aurangabad, District- Aurangabad at present residing at Gandhi Maidan in front of Masjid, Near- Hanuman Mandir, P.S.- Town, District- Aurangabad

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioners : Mr.Ravindra Kumar Sinha, Advocate
For the Opposite Partys : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 27-11-2019 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek pre-arrest bail in connection
with Kothi P. S. Case No. 17 of 2019 registered under Section
30(a) of Bihar Prohibition and Excise Act.

Considering the provision prescribed in sub-
section (2) of Section 76 of the Bihar Prohibition and Excise
Act, 2016 whereby applicability of Section 438 of the Code of
Criminal Procedure has been deleted in relation to the offences



committed under the Act and the allegations made in the FIR do attract the ingredients of the offence punishable under Section 30(a) of the Bihar Prohibition and Excise Act, 2016, I am not inclined to grant pre-arrest bail to the petitioners. Accordingly, the application for grant of pre-arrest bail is rejected.

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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