

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69931 of 2019

Arising Out of PS. Case No.-22 Year-2019 Thana- PUNAURA District- Sitamarhi

Ramesh Paswan @ Rakesh Paswan, Son of Yogendra Paswan, Resident of Village- Ranjitpur (Gobipur), P.S.- Punaura (Sitamarhi), District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 27-11-2019 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Punaura P.S. Case No.22 of 2019 registered for the offences punishable under Sections 272, 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

In view of the express bar created under sub-section (2) of Section 76 of the Bihar Prohibition and Excise Act, the instant application under Section 438 of the CrPC for grant of pre-arrest bail to the petitioner in connection with a case instituted under Section 30(a) of the Bihar Prohibition and Excise Act is not maintainable. Accordingly, the same is dismissed as not maintainable.



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 keeping in mind the observations made in **Ashok Sahani vs. State of Bihar [2017 (3) PLJR632]**.

(Ashwani Kumar Singh, J.)

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