

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69930 of 2019

Arising Out of PS. Case No.-337 Year-2019 Thana- SAUR BAZAR District- Saharsa

Ajay Poddar @ Ajay Pauddar, Son of Bhulan Pauddar, Resident of Village-
Bajinathpur Patel Chowk, P.S.- Sour Bazar (Bajinathpur Police Sivr),
District- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar, Advocate

For the Opposite Party : Mr. Sanjay Kumar Sharma, 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 Special (Excise) Case No.389 of 2019 arising out of Sour Bazar (Bajinathpur Police Sivr) P.S. Case No.337 of 2019 for the offence punishable under Sections 272, 273 read with 34 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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