

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69937 of 2019

Arising Out of PS. Case No.-324 Year-2019 Thana- SIWAN MUFFASIL District- Siwan

Md. Rafique @ Rafique Miya, Son of Israiya Miya Resident of Village-
Rohra Kailgad, P.S.- Barharia, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ranjeet Kumar, Advocate
For the Opposite Party : Mr. Ashok Kumar Singh, 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
Siwan Mufassil (Mahadewa) P.S. Case No.324 of 2019
registered for the offences punishable under Sections 272 and
273 of the Indian Penal Code and Section 30(a) of the Bihar
Prohibition and Excise Act, 2018.

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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