

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69911 of 2019

Arising Out of PS. Case No.-73 Year-2019 Thana- SIKARPUR District- West Champaran

1. Pyare Ram, Son of Raghurai Ram, Resident of Village-Rowari, Police Station- Shikarpur, District - West Champaran.
2. Jalandhar Ram, Son of Raghurai Ram, Resident of Village- Rowari, Police Station- Shikarpur, District - West Champaran.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Arbind Kumar Singh, Advocate
For the Opposite Party : Ms. Asha Devi, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

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

The petitioners seek pre-arrest bail in connection with Shikarpur P.S. Case No.73 of 2019 registered for the offence punishable under 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 petitioners 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 petitioners surrender and seek 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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