

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69877 of 2019

Arising Out of PS. Case No.-238 Year-2018 Thana- BAKHARI District- Begusarai

Rajesh Sada, Son of Late Sonelal Sada, Resident of Village - Hemanpur Ghat,
Musahari, Ward No. 10, P.S.- Bakhari, District- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr.Nand Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

2 18-12-2019 Heard learned counsel for the petitioner as well as
learned Additional Public Prosecutor for the State.

Petitioner apprehends his arrest in connection with
Bakhri P.S. Case No. 238 of 2018 registered for the offences
punishable under Sections 30(A) of the Bihar Prohibition and
Excise Act, 2016.

The petition under Section 438 of the Code of
Criminal Procedure is not maintainable in a case of the Bihar
Prohibition and Excise Act, 2016. Therefore, this petition stands
disposed of being not maintainable.

However, petitioner is directed to surrender before the
court below within six weeks from today and if he does so and
makes prayer for regular bail, the concerned court shall consider
the regular bail application of the petitioner on its own merit
without being prejudiced by this rejection order.

(Hemant Kumar Srivastava, J)

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