

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5712 of 2020

Arising Out of PS. Case No.-509 Year-2019 Thana- MASHRAK District- Saran

1. Mukesh Raut, Son of Late Bhuar Rawat, Resident of Village-Dum Duma P.S-Mashrakh, District-Saran at Chpara.
2. Badashah Raut, Son of Jatan Raut, Resident of Village-Dum Duma, P.S-Mashrakh, District-Saran at Chapra.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Nawal Kishore Singh, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 04-03-2020 Heard learned counsel for the petitioners and
learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Mashrakh P.S. Case No.509 of 2019 registered under Sections 272, 273 of the Indian Penal Code and Sections 30, 30(a), 38, 41 and 37(c) of the Bihar Prohibition and Excise Act, 2016.

In view of the bar created under Section 76(2) of the Bihar Prohibition and Excise Act, 2016 as also the ratio laid down by a Full Bench of this Court in *Ram Vinay Yadav vs. State of Bihar*, since reported in *2019(2) PLJR 1089*, since the ingredients of the offence punishable under Section 30, 30(a), 38, 41 and 37(c) of the Bihar Prohibition and Excise Act, 2016



are attracted, the instant application for grant of pre-arrest bail 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.

(Ashwani Kumar Singh, J.)

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