

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5670 of 2020

Arising Out of PS. Case No.-718 Year-2019 Thana- AHYAPUR District- Muzaffarpur

Baiju Rai @ Baiju Kumar Ray, Son of Prahlad Rai, Resident of Village-
Minapur, P.S.-Minapur, District-Muzaffarpur.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioner and

learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Ahiyapur P.S. Case No.718 of 2019 registered for the offence punishable under Sections 414 read with 34 of the Indian Penal Code and Sections 30(a) (b), 38, 41 and 39 of the Bihar Prohibition and Excise Act.

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 report in *2019(2) PLJR 1089*, since the ingredients of the offence punishable under Section 30(a) (b), 38, 41 and 39 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 petitioner surrenders and seeks bail, the same shall be considered on its own merits without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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