

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5624 of 2020

Arising Out of PS. Case No.-307 Year-2019 Thana- MANIYARI District- Muzaffarpur

1. Birendra Kumar S/o Lagandeo Ray R/o village- Jamaharua, P.S.- Maniyari, District- Muzaffarpur
2. Rajeev Kumar S/o Vishwanath Ray R/o village- Jamaharua, P.S.- Maniyari, District- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 28-02-2020 Heard learned counsel for the petitioners and learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Maniyari P.S. Case No. 307 of 2019 registered under Sections 272, 273/34 of the Indian Penal Code and Section 30(a), 34, 36, 38 and 41 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(a) 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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