

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5700 of 2020

Arising Out of PS. Case No.-305 Year-2019 Thana- KALYANPUR District- East Champaran

Rajkumar Sah, S/o Fulwari Sah, R/o village-Buwara Haribans (Bahuaara Harivans), P.S.- Kalyanpur (Rajpur), District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s :	Mr. Uma Kanat Shukla, Advocate Mr. Shakti Suman Kumar, Advocate
For the Opposite Party/s :	Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 04-03-2020 Heard learned counsel for the petitioner and
learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Kalyanpur P.S. Case No.305 of 2019 registered under Sections 272, 273 read with 34 of the Indian Penal Code and Sections 30(a) and 41(i) of the Bihar Prohibition and Excise Act, 2016.

In view of the specific 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 Sections 30(a) and 41(i) 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 merit without being prejudiced in any manner by this order.

(Ashwani Kumar Singh, J.)

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