

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69077 of 2019

Arising Out of PS. Case No.-171 Year-2019 Thana- BHANGWANPUR HAT District- Siwan

1. Babudhan Mushar, Son of Late Kira Mushar
 2. Harendra Mushar, Son of Late Kira Mushar
 3. Ramesh Mushar, Son of Late Kira Mushar
 4. Ram Pukar Mushar @ Pukar Mushar, Son of Rajendra Mushar
 5. Sadai Mushar, Son of Hari Kishore Mushar,
 6. Umesh Mushar, Son of Fulena Mushar,
- All are resident of Village - Sarai Parauli, P.S.- Bhagwanpur Hat, Distt.- Siwan.

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

3 05-03-2020 Heard learned counsel for the petitioners and

learned counsel for the State.

The petitioners seek pre-arrest bail in connection with Bhagwanpur Hat P.S. Case No.171 of 2019 registered under 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 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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