

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68843 of 2019

Arising Out of PS. Case No.-177 Year-2019 Thana- MAGADH MEDICAL COLLEGE
District- Gaya

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Rakesh Kumar @ Rakesh Malakar, Son of Kishor Mali @ Kishor Malakar
Resident of Village - Misir Bigha, P.O.- Sirh, P.S.- Atri, Distt.- Gaya.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

For the Opposite Party/s : Mrs. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

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

learned counsel for the State.

The petitioner seeks pre-arrest bail in connection with Magadh Medical P.S. Case No.177 of 2019 registered under Sections 30(a), 38(1-2) and (41-1) 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), 38(1-2) and (41-1) 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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