

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 78376 of 2019

Arising Out of PS Case No.-305 Year-2019 Thana- BAKHRI District- Begusarai

Girish Ray @ Girish Kumar, aged about 62 years (Male), Son of Late Bagish Ray, Resident of Village - Rampur, Ward No. 3, P.S.- Bakhri, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Sinha, Advocate
For the State	:	Mr. Mukesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH

ORAL JUDGMENT

Date : 03-09-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Ajay Kumar Sinha, learned counsel for the petitioner and Mr. Mukesh Kumar Singh, learned Additional Public Prosecutor (hereinafter referred to as the 'APP') for the State.

3. The petitioner apprehends arrest in connection with Bakhri PS Case No. 305 of 2019 dated 01.10.2019, instituted under Sections 341, 323, 354, 307, 452, 506/34 of the Indian Penal Code and 37(b)(c) of the Bihar Prohibition and Excise Act, 2016 (hereinafter referred to as the 'Act').



4. The allegation against the petitioner and his son is of being in a drunken state and assaulting the informant, his mother and sister.

5. As there is such direct allegation of the petitioner being in a drunken state, which is an offence under the Act, the Court finds that in view of bar of Section 76(2) of the Act, an application for pre-arrest bail under Section 438 of the Code of Criminal Procedure, 1973, is not maintainable, as has also been noticed in the order of the 2nd Additional Sessions Judge cum-Special Judge, Excise Act, Begusarai in his order dated 07.11.2019 dismissing the Anticipatory Bail Application No. 1888 of 2019 filed by the petitioner.

6. In the aforesaid background, the application stands disposed off on the ground of it being not maintainable.

(Ahsanuddin Amanullah, J.)

P. Kumar/Anand Kr.

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