

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46674 of 2019

Arising Out of PS. Case No.-38 Year-2019 Thana- MAHINDWARA District- Sitamarhi

DINESH RAI S/O Santokhi Rai Resident of Village- Maheshafarakpur, P.S.-
Mahindwara, Dist- Sitamarhi.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.Nand Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 29-07-2019 Heard both sides.

The petitioner apprehends his arrest in Mahindwara
P.S. Case No.38 of 2019 registered under Sections 30(a)(b)(c) of
Bihar Prohibition and Excise Act.

The informant on secret inputs raided the house of the
petitioner and recovered 28 bottles each containing 375 ml. of
Royalstag liquor.

The learned counsel for the petitioner submits that
recovery was made from an open field where husk was stored
and not from the house of the petitioner. The seizure list does
not bear the signature of any inmates of the house and such
recovery from an open place cannot be said to be recovered
from the conscious possession of the petitioner but it appears
that recovery was made from the asbestos room belonged to the



petitioner situated by the side of the house of the petitioner.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on anticipatory bail. Accordingly, the same is rejected.

(Prabhat Kumar Jha, J)

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