

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.55430 of 2019**

Arising Out of PS. Case No.-19 Year-2018 Thana- JADIA District- Supaul

Panku Rishidev Son of Shibhan Rishideo Resident of Rajgoan Ward No.4, P.S-  
Jadia, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Dinesh Choudhary, Advocate  
For the Opposite Party/s : Md. Fahimuddin, APP

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

2      02-09-2019                      Heard learned counsel for the petitioner and learned  
APP representing the State.

The petitioner apprehends his arrest in connection  
with Jadia P.S. Case No. 19 of 2018, registered under Section  
30(a) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner is that the police  
on secret information searched the house of the petitioner and  
recovered 45 liters of illicit liquor from the roof of the house  
belonging to the petitioner.

Learned counsel for the petitioner submits that the  
petitioner has falsely been implicated in the present case,  
inasmuch as the house does not exclusively belong to the  
petitioner and the same is in joint ownership, he further submits  
that the illicit liquor has been recovered from roof of the house



which is an open space, he further submits that petitioner has got no criminal antecedent.

After having heard learned counsel for the parties and taking into consideration the fact that recovery has been made from the roof of the house of the petitioner, in view of the Full Bench judgment passed in **Cr. Appeal (SJ) No. 431 of 2019**, I am not inclined to exercise my discretion under Section 438 of Cr.P.C.

This application is, accordingly, rejected.

**(Anil Kumar Sinha, J)**

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