

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58708 of 2019

Arising Out of PS. Case No.-140 Year-2019 Thana- TARIYANI CHOWK District- Sheohar

Sri Sahani @ Sri Ram Kumar Son of Sri Sukhari Sahani Resident of Village -
Kushahar, P.S.- Tariyani, District- Sheohar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate
For the Opposite Party/s : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 17-09-2019 Heard learned counsel for the petitioner and learned
APP representing the State.

The petitioner apprehends his arrest in connection with Tariyani P.S. Case No. (5801030190140) 140 of 2019, registered under Section 30(A) of the Bihar Prohibition and Excise Act.

The allegation against the petitioner, as per FIR, is that on secret informant police went to the husk house of the petitioner, situated near Kushahar Petrol Pump, where some persons upon seeing the police party fled away and two persons, namely, Rupesh Kumar @ Golu and Raju Kumar were apprehended by the police. The name of the petitioner has been disclosed by the co-accused. On search, a total quantity of 72 liters of illicit liquor has been recovered from the husk house of



the petitioner.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case merely on the statement made by the co-accused. He further submits that though the husk house belong to the petitioner, it is in the joint ownership of several persons also.

After having heard learned counsel for the parties and taking into consideration the fact that the illicit liquor has been recovered from the husk 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)

S.Katyayan/-

U		T	
---	--	---	--

