

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20085 of 2020**

Arising Out of PS. Case No.-1 Year-2020 Thana- TETERHAT District- Lakhisarai

Lal Singh Son of- Aditya Singh Resident of Village- Sharma, P.S.- Tetarhat,  
District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Satish Kumar

For the Opposite Party/s : Mr.Braj Kishore Pd.(App)

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      07-07-2020      The matter has been taken up through virtual Court proceeding.

Heard learned counsel for the petitioner and learned APP for the State.

Since the physical court proceeding is non-functional, due to present pandemic, COVID-19, the matter is listed with defects.

Learned counsel for the petitioner undertakes to remove the defects within three weeks of resumption of physical court proceeding. In the eventuality of non-removal of defects within undertaken period, the office will place the matter before the bench.

The petitioner is apprehending his arrest in a case registered for the offence punishable under Section 30(a) of the



Bihar Prohibition and Excise Act, 2016 as amended by Act 8 of 2018.

The prosecution case, as per the written report of S.I., Ashok Kumar Singh submitted to Station House Officer, Tatarhat Police Station, is to the effect that on 16.01.2020 during night patrolling, a confidential information was received that the petitioner, Lal Singh in league with his neighbour grandson, Ankush Kumar, has stored liquor and selling the same, consequently, a raid was laid and from the fodder house adjacent to the residential house of the petitioner, 134.220 litres of Indian Made Foreign Liquor were recovered.

It is submitted by learned counsel for the petitioner that the recovery has not been made from conscious physical possession of the petitioner rather the same has been made from an open area and a statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Learned APP submits that the recovery has been made from the fodder house of the petitioner.

Considering the fact that admittedly the recovery has been made from the fodder house of the petitioner, which is an open area, it is a case for consideration of prayer for regular bail by



the learned Court below, if the petitioner surrenders before the learned Court below within a period of six weeks from today in connection with Tatarhat P.S. Case No. 01 of 2020, pending in the Court of learned Additional District & Sessions Judge-II -cum- Special Judge (Excise), Lakhisarai.

Accordingly, this application is disposed of.

**(Dinesh Kumar Singh, J)**

DKS/-

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