

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25539 of 2020

Arising Out of PS. Case No.-163 Year-2020 Thana- DHAKA District- East Champaran

MOTICHAND SAH Son of Chulhai Sah Resident of Village - Bhandar, P.S.-
Dhaka, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Adv.

For the Opposite Party/s : Mr.Ram Sewak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 13-10-2020 Heard both sides through Video Conferencing.

The petitioner apprehends his arrest in Dhaka(Pach Pakari O.P.) P.S. Case No.163 of 2020 registered under Section 30(a) of Bihar Prohibition and Excise Act.

The informant, A.S.I. of Pach Pakari O.P., alleged that he got information that Motichand Sah kept huge quantity of liquor in his hut situated in his bamboo bush. On such, a raid was conducted and 687 liters of Nepali liquor kept in 2290 pouches were recovered.

The learned counsel for the petitioner submits that hut is open one and there is no door in the hut. It is open for all people and, therefore, it cannot be said that petitioner had kept the liquor in his hut. The hut is situated in bamboo bush. It is further submitted that seizure list was not handed over to the petitioner. The seizure list was made on 02.05.2020 but the



F.I.R. was sent to the Court on 05.05.2020.

Mr. Ram Sewak Choudhary, learned A.P.P. opposed the prayer for anticipatory bail and submits that huge quantity of liquor was recovered from the conscious and constructive possession of the petitioner. The informant got secret inputs about the petitioner who had kept the liquor in his hut situated in the bamboo bush of the petitioner, and, therefore, the petitioner does not deserve anticipatory bail.

Perused the record. It appears that the informant, the police officer, got definite information about the keeping of liquor in the hut of the petitioner. The hut of the petitioner is situated in the bamboo bush of the petitioner and from there, huge quantity of liquor was recovered. Petitioner was of course not found at the place of occurrence and, therefore, seizure list was not handed over to him. Raid was conducted on 02.05.2020(Saturday) and that is why the F.I.R. was sent to the Court on 05.05.2020.

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

Saurabh/-

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(Prabhat Kumar Jha, J)

