

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**  
**CRIMINAL MISCELLANEOUS No.16265 of 2021**

Arising Out of PS. Case No.-417 Year-2020 Thana- PAHARPUR District- East Champaran

ANIL PRASAD @ LAKSHMAN PRASAD @ ANIL KUMAR PRASAD  
S/O BUNILAL PRASAD R/O VILLAGE-EKDERAWA, P.S-PAHARPUR,  
DISTRICT-EAST CHAMPARAN AT MOTIHARI.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Binay Kumar, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

3      05-08-2021              Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Umesh Lal Verma, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection Paharpur P.S. Case No. 417 of 2020 for the offences registered under Section 30, 30(a), 33, 34, 36, and 41 of Bihar Prohibition and Excise Act, 2018.

Learned counsel for the petitioner submits that as per the prosecution story, altogether 5040 litres of spirit have been recovered from a room in the house of co-accused Laxman Sah and Sunil Sah and more than 500 litres spirit have been recovered from the house of this petitioner.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. It is submitted that the alleged recovery is not from conscious possession of the petitioner rather it has been recovered from a newly under construction house which is in abandoned condition. The petitioner is in custody since 07.11.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that huge quantity of spirit has been recovered from the house of the petitioner.

Having regard to the facts and circumstances of the case wherein huge quantity of more than 500 liters spirit has been recovered from the house of this petitioner, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail of the petitioner is thus refused.

The petitioner may, however, renew his prayer for bail on completion of one year of custody in connection with the present case.

The application stands disposed of.

**(Rajeev Ranjan Prasad, J)**

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.