

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31605 of 2020

Arising Out of PS. Case No.-14 Year-2020 Thana- MADHUBAN District- East Champaran

PRABHU SAHANI S/o Late Shivilal Sahani Resident of Village- Budhauriya,
Ward No. 13, P.S.- Madhuban, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 15-01-2021 Heard learned counsel for the parties.

This application for grant of regular bail arises out of Madhuban P.S. Case No. 14 of 2020, registered for the offence punishable under Sections 272 and 273 of the Indian Penal Code and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

From the petitioner's house, the police are said to have recovered 1171 liters of Indian made foreign liquor. The First Information Report was registered in January, 2020 and the petitioner was apprehended on 18.06.2020.

Learned counsel appearing on behalf of the petitioner has argued that at the time of recovery of the illicit liquor from the petitioner's house, he was not present in the house and, therefore, it cannot be said that the recovery of illicit liquor was made from the petitioner's conscious possession. He has further submitted that had he been present in the house, he would have



been arrested by the police then and there. He has also submitted that as a matter of fact much before the date of recovery and seizure of the illicit liquor, the petitioner had gone to Maharashtra to earn his livelihood and he was arrested soon after he returned from Maharashtra.

Considering the huge quantity of illicit liquor said to have been recovered from the house of the petitioner, I am not inclined to grant the petitioner privilege of regular bail for the present. The petitioner's plea of *alibi* can be considered at appropriate stage at the trial by the Court below.

This application is accordingly rejected.

(Chakradhari Sharan Singh, J)

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