

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24258 of 2024

Arising Out of PS. Case No.-417 Year-2023 Thana- BANIAPUR District- Saran

Ramesh Sah son of Janardhan Manjhi Village- Bhakura Bhithi Bazar Ps-
Bariyapur Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raushan Raj, Advocate

For the Opposite Party/s : Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 01-05-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In this case, the petitioner is apprehending his arrest in connection with Baniyapur P.S. Case No. 417 of 2023, for the offences under Section 30(a) of the Bihar Prohibition and Excise Act, 2022.

3. As per prosecution case, during a drive against illicit liquor, police received secret information about petitioner selling illicit liquor from his closed hotel. A raid was conducted and co-accused son of the petitioner Sonu Kumar Sah was apprehended and recovery of 34.395 litres of illicit liquor apart from 40 liquor of spirit were made from the hotel of the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Seizure list has not been prepared in accordance with the provision



of Code of Criminal Procedure. There is no recovery from the conscious possession of the petitioner and for this reason there could be no application of provision of Bihar Prohibition and Excise Act. Recovery has been made from a closed hotel and petitioner cannot be fastened with liability of such recovery. Recovered liquor does not belong to this petitioner. Petitioner is having clean antecedent.

5. Learned APP vehemently opposes the prayer for anticipatory bail. Learned APP submits that recovery of illicit liquor was made from the closed hotel of the petitioner so the petition for anticipatory bail is not maintainable.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that recovery has been made from the hotel of the petitioner, I do not think it is a fit case for grant of anticipatory bail to the petitioner.

7. Accordingly, the prayer for anticipatory bail of the petitioner is rejected.

(Arun Kumar Jha, J)

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