

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19266 of 2021

Arising Out of PS. Case No.-33 Year-2020 Thana- BIBHUTIPUR District- Samastipur

NITISH KUMAR @ JHARIYA @JHARILAL SON OF LATE RAMESH
PRASAD SINGH RESIDENT OF MUHAMADPUR SAKARA, TOLA
MURIYA STHAN, P.S.- VIBHUTIPUR, DISTRICT- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prahalad Kumar Bhagat, Advocate

For the Opposite Party/s : Smt. Pushpa Sinha-I, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 16-11-2021 Heard Sri Prahalad Kumar Bhagat, learned counsel

appearing on behalf of petitioner and Smt. Pushpa Sinha-I,

learned A.P.P. appearing for the State.

The petitioner seeks bail in connection with
Bibhutipur P.S. Case No. 33 of 2020, registered under Sections
272 and 273 of Indian Penal Code and Section 30(a) of the
Bihar Prohibition and Excise Act, 2016, pending in the Court
of learned Addl. Sessions Judge-II-cum- Special Judge, Excise
Act, Samastipur.

Briefly stated, the allegations made in the F.I.R.
relating to Bibhutipur P.S. Case No. 33 of 2020, dated
15.02.2020, are that upon information about storage of huge
quantity of foreign liquor in the house of petitioner. Petitioner's
house was raided and about 393.120 litres of wine of different
brand were recovered packed in 45 cartons from the Angan of
the house of the petitioner.



Learned counsel appearing on behalf of the petitioner submits that, earlier, the petitioner has been made accused in Bibhutipur P.S. Case No. 205 of 2018, 213 of 2019 and 167 of 2020 under different sections of the Indian Penal Code as well as under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. He further submits that petitioner is in jail custody since 15.01.2021.

Learned A.P.P. appearing on behalf of State, vehemently, opposed the prayer for grant of bail and submits that petitioner is a habitual offender and is engaged in trading of illicit liquor so he does not deserve to be released on bail.

Having considered the facts and circumstances of the case and the antecedent of the petitioner as well as recovery of huge quantity of Indian Made Foreign Liquor from the house of the petitioner, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer of the petitioner, above named, is **rejected**.

If the petitioner is so advised, he may renew his prayer for bail after six months.

(Purnendu Singh, J)

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