

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22176 of 2022

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

NITISH KUMAR @ JHARIYA @ JHARILAL SON OF LATE RAMESH
PRASAD SINGH R/O- 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

For the Opposite Party/s : Mr.Akhileshwar Dayal

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 18-05-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Bibhutipur P.S. Case No. 33 of 2020 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.

At the outset, Shri Prahlad Kumar Bhagat, learned
counsel appearing on behalf of the petitioner submits that he has
renewed the present bail application in view of the observation
made by this Court vide order dated 16.11.2021 passed in Cr.



Misc. No. 19266 of 2021 that the petitioner may renew his prayer for bail after six months.

Allegation is storage of huge quantity of foreign liquor in the house of the petitioner. Petitioner's house was raided and 393.120 litres of wine of different brands were recovered packed in 45 cartons from the courtyard of the house of the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is in custody since 15.01.2021. The alleged liquor was not recovered from his possession. The house is resided by other members of the family. Seizure list also does not show that anyone of the members of the petitioner's family was handed over this seizure list. Seizure itself creates doubt about alleged recovery from the house of the petitioner.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner. He submits that the trade of illicit liquor is rampant in the State of Bihar. In spite of complete prohibition in the State, due to consumption of illicit liquor, people at large are dying everyday and they are suffering from various physical disorder, as such it would not be in public interest to release the petitioner on bail.

Considering the aforementioned facts and



circumstances of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.4,00,000/- (Rupees four lacs) with two sureties of the like amount each to the satisfaction of the learned Special Excise Court-I, Samastipur in connection with Bibhutipur P.S. Case No. 33 of 2020, Excise Case No. 168 of 2020, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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