

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66402 of 2022

Arising Out of PS. Case No.-347 Year-2022 Thana- TAJPUR District- Samastipur

NITISH KUMAR S/o Ram Naresh Singh @ Naresh Singh R/o Village-
Bankuraba Chandauli, P.S.- Waini OP (Tajpur), Distt- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh, Adv.

For the Opposite Party/s : Mr.Indu Kumari Srivastava, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 18-03-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner apprehends his arrest in a case registered
for the offences punishable under Section 30(a) of Bihar
Prohibition and Excise (Amendment) Act.

Allegedly, petitioner is said to have kept wine in his
cowshed and sold the same from there. Altogether, 21 liters
wine has been recovered from the place of occurrence.

It is submitted by learned counsel for the petitioner that
petitioner is quite innocent and has committed no offence. No
incriminating article has been recovered from the conscious
physical possession of the petitioner. Petitioner has no concern
either with the seized liquor or any trade of liquor. The
allegation levelled against the petitioner is not specific rather



general and omnibus in nature. Petitioner has been falsely implicated in this case due to ulterior motive. It is further submitted that the alleged recovery cannot be attributed upon him. The alleged place of recovery is cowshed which belongs to another person. He was not apprehended on the spot. Petitioner has no criminal antecedent as mentioned in para-3 of this application.

Learned APP for the State opposed the prayer for bail.

Considering the facts and circumstances of case, as the illicit liquor has been recovered from the cowshed of the petitioner, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

(Anjani Kumar Sharan, J)

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