

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32203 of 2021

Arising Out of PS. Case No.-78 Year-2020 Thana- PIPRAKOTHI District- East Champaran

1. SHASHI SAHANI @ SHASHI CHOUDHARY Son of Lalan Sahani Resident of Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.
2. Sushil Sahani @ Sunil Choudhary Son of Sahdeo Sahani @ Lalan Prasad Resident of Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.
3. Pramod Sahani Son of Jailal Sahani Resident of Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.
4. Lalan Sahani Son of Late Ganaur Sahani Resident of Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.
5. Sanjay Sahani Son of Surendra Sahani Resident of Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.
6. Raja Kumar Son of Bhola Sahani Resident of Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh, Advocate

For the Opposite Party/s : Mr.Md.Anzarul Haque Sahara, APP

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 26-08-2021 Heard learned counsel for the petitioners and learned APP for the State through virtual mode.

Counsel for the petitioners is directed to remove the defect(s), as pointed out by the office, within a period of four weeks from the date of restoration of normalcy.

The petitioners are apprehending their arrest in connection with Piprakothi P.S. case No.78/2020 registered under Sections 147, 148, 149, 341, 323, 324, 332, 333, 353, 225



of I.P.C. and Section 45 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 36 cartoons of wine is recovered.

It has been submitted on behalf of the petitioners that the petitioner Nos.2 to 6 have got no criminal antecedent and there is no allegation of tampering of witnesses alleged against the petitioners. The petitioners have falsely been implicated in this case. It is alleged that 36 cartoons of wine is said to have been recovered from the pond. The local residents are alleged to have protested against the police while recovery of wine was being made. The petitioners have been made accused in the present case due to mistake of fact. No specific overt act is alleged against the petitioners. General and omnibus allegation has been made. There is no recovery of wine from the conscious possession of the petitioners.

On behalf of the State, it is submitted that the petitioners are named in the complaint case/F.I.R.

Considering the facts and circumstances of the case, the petitioners, above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on their personal



bond to the satisfaction of learned Additional Sessions Judge
2nd-cum-Special Judge, Excise, East Champaran, Motihari in
connection with Piprakothi P.S. case No.78/2020, subject to the
conditions as laid down under Section 438(2) of the Code of
Criminal Procedure.

Once the normalcy is restored, the petitioners will
furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with
two sureties of the like amount each within a period of eight
weeks to the satisfaction of the court concerned in connection
with the aforesaid case.

(Sudhir Singh, J)

Narendra/-

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