

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65843 of 2022

Arising Out of PS. Case No.-259 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Nawal Sahni @ Nawal Chaudhary @ Nawal Choudhary Son of Lalan Sahani
R/v- Hathiyahi, P.S.- Pipra Kothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-12-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with

Piprakothi P.S. Case No. 259 of 2022 registered for the offence

under Sections 272, 273 and 308 of the Indian Penal Code and

under Section 30(a) and 32 of the Bihar Prohibition and Excise

Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 16.09.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is



recovery of 20 litres of IMFL/country made liquor from alleged bamboo bush grown in front of the house of petitioner.

Learned counsel appearing on behalf of the petitioner submitted that the alleged recovery of illicit liquor was made from a bamboo bush grown in front of the house of this petitioner and, as such, it can be safely said that the recovery of alleged illicit liquor was not made from the conscious physical possession of this petitioner. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of alleged illicit liquor was made from an open area, accessible by general public coupled with the fact that charge-sheet has already been submitted, let the petitioner, above named, is directed to be released on bail in connection with Piprakothi P.S. Case No. 259 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Excise Court No. 1, East Champaran, Motihari/concerned court, subject to the conditions as



mentioned under Section 437 (3) of the Cr.P.C. with further condition:

“Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.”

(Chandra Shekhar Jha, J)

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