

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66026 of 2022**

Arising Out of PS. Case No.-36 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Nawal Sahni @ Nawal Choudhary @ Nawal Chaudhary Son of Lalan Sahani
R/O Village- 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. Anand Kishore Choudhary, 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. 36 of 2022 registered for the offence

under Section 30(b) of the Bihar Prohibition and Excise Act,

2018 and under Sections 272, 273 and 34 of the Indian Penal

Code.

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

custody since 15.10.2022.

The allegation against the petitioner is to be engaged

in illegal trading/manufacturing of semi-prepared illicit liquor,



where, there is recovery of 100 litres of IMFL/country made liquor from an open place.

Learned counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced on the basis of secret input made by department/police spy and admittedly, no recovery of semi-prepared illicit liquor was made from his physical possession. It is also pointed out that alleged recovery of semi-prepared illicit liquor was made from the bank of Dhanauti river, which is an open place. It is also pointed out that seizure list appears doubtful, being not supported by independent witnesses, rather by police personnels. 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 semi-prepared illicit liquor appears to be made from an open place 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. 36 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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