

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5875 of 2023

Arising Out of PS. Case No.-304 Year-2021 Thana- PIPRAKOTHI District- East Champaran

BISHWANATH CHAUDHARY @ BISHWANATH SAHNI, aged about 46
years (Male), Son of Ram Cchandra Sahni, R/V- Hathiyahi, P.S- Pipra Kothi,
Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sunil Kumar No.III, Advocate
For the Opposite Party : Mr. Parmanand Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 03-05-2023 Learned counsel for the petitioner is permitted to

make necessary correction in paragraph no. 3 of the bail

application, in course of the day.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in

connection with Pipra Kothi P.S. Case No. 304 of 2021 for

the offence registered under Sections 272, 273/34 of the

I.P.C. and Sections 30(a), 30(c) and 36 of the Bihar

Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that total 132

liters wine is said to have been recovered from five different



places.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 132 liters wine is recovered from five different places. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present case on the basis of secret information as per F.I.R. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C. Learned counsel for the petitioner has placed reliance upon the order dated 13.04.2022 passed by the Hon'ble Supreme Court in *Criminal Appeal No. 626 of 2022, arising out of SLP (Crl.) No. 3005 of 2022 (Sweta Kumari-Versus-The State of Bihar)*.



On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran at Motihari, in connection with Piprakothi P.S. Case No. 304 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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