

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9391 of 2023

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

Sanjay Sahani @ Sanjay Kumar Chaudhari, aged about 51 years (M), Son Of
Devendra Prasad Chaudhary @ Devendra Sahani @ Surendra Sahani, R/O
Village- Hathiyahi, P.S.- Piprakothi, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate

For the Opposite Party : Mr. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 20-04-2023 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Piprakothi P.S. Case No. 78 of 2020 for the offence registered under Sections 147, 148, 149, 341, 323, 324, 332, 333, 353, 225 of the I.P.C. and Section 45 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

The prosecution story, in brief, is that on 05.03.2022, after receiving information, the informant and other police officials reached at the place of occurrence and recovered 36 cartoons of foreign liquor.



During the course of seizure, the police team was attacked by the crowd of 50-60 persons including the F.I.R. named accused and took away the liquor as well as the apprehended accused from the custody of the police.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He 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 36 cartoons of foreign liquor is recovered by the side of the pond. The petitioner is named in the F.I.R. The name of the petitioner has transpired in the present as the informant, who is the police officer, claimed to have identified the petitioner. It is further submitted that neither the petitioner is known to the police officer nor the police officer known to the petitioner. Hence, identification made by the police officer appears to be doubtful. 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. I, Motihari, East Champaran, in connection with Piprakothi P.S. Case No.



78 of 2020, subject to the conditions as laid down under
Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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