

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15101 of 2023

Arising Out of PS. Case No.-289 Year-2021 Thana- PIPRAKOTHI District- East Champaran

SHASHI KUMAR @ SHASHI CHAUDHARY S/O LALAN CHAUDHARI
@ LALAN SAHANI R/v- Hathiyahi, P.S.- Piprakothi, District- East
Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhishek Kumar, Advocate

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 08-05-2023 1. Heard learned counsel for the petitioner and
the learned APP for the State.
2. Petitioner seeks regular bail in connection
with Piprakothi P.S. Case No.289 of 2021 dated 06.12.2021
registered for the offences punishable under Sections 272,
273/34 of the Indian Penal Code and Sections 30(a) and 30(c)
of the Bihar Prohibition and Excise Act.
3. The main submissions advanced by the
learned counsel for the petitioner are that in the present matter
several persons including the petitioner have been made
accused, only 15 litres of country-made illicit wine is stated to
have been recovered from the petitioner's house along with
some raw materials purportedly used in manufacturing of the



illicit wine but the said recovery was not made from the conscious possession of this petitioner and in a similar manner, recoveries of the same type of materials were made from the possession of several co-accused persons, among them two namely Nawal Sahni @ Nawal Choudhary @ Nawal Chaudhary and Sunil Choudhary have been granted bail by different Benches of this Court vide orders passed in Cr. Misc. Nos.65348 of 2022 and 9159 of 2023 respectively and petitioner's case is completely identical to the said co-accused persons and moreover the alleged raw materials were not recovered from the house of this petitioner rather the same was recovered from an open field and the petitioner has concern only with the recovery of 15 litres of country-made wine which is stated to have been recovered from the petitioner's house and in the present matter the petitioner has been languishing in jail since 26.10.2022 and against him the investigation has been completed.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly the privilege of bail having been granted to two co-accused persons mentioned-above, whose case appears to be



identical to the present petitioner and the recovery of the alleged wine was made before two official persons and against the petitioner the investigation has been completed, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be **released on bail after framing of charge** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Piprakothi P.S. Case No.289 of 2021.

(Shailendra Singh, J)

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