

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23758 of 2023

Arising Out of PS. Case No.-184 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Pappu Chaudhary @ Pappu Sahani @ Randhir Kumar @ Pappu Kumar Son
of Late Sakal Chaudhary @ Late Sakal Sahani Resident of 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. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 12-05-2023 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. 184 of 2022 dated 21.06.2022 registered for the
offences punishable under Sections 188, 272, 273, 308 read with
34 of IPC and Sections 30(a), 32 and 34 of Bihar Prohibition
and Excise Act.
3. The main submissions advanced by learned counsel for
petitioner are that the instant matter relates to the recovery of
122 litres of country-made illicit liquor as well as 1000 litres of
raw material used in manufacturing of the said illicit liquor and
the said raw materials were destroyed at the spot and as per
allegation and according to the FIR, the petitioner and co-

accused persons indulged in manufacturing of the alleged illicit liquor though managed to escape on seeing the police party but the said allegation is completely false and the recovery was made from the bank of a river near a *peepal* tree and no independent person was made witness of the alleged seizure and police officials have been shown as witnesses of the seizure and admittedly the petitioner was not apprehended at the spot of recovery. Further submissions are that against the petitioner there are criminal antecedent of three cases and at present he has got bail in two cases out of the said three cases and against him the investigation has been completed and he has been languishing in jail since 09.11.2022.

4. Learned APP for the State opposes the bail prayer of the petitioner.

5. Considering the above submissions and mainly the petitioner's custody period and the completion of investigation against him and also the fact that petitioner was not apprehended at the spot of recovery which is stated to be the bank of a river and the alleged recovery was made before police personnel who have been shown as witnesses of the seizure, in my opinion, it is a fit case for bail to the petitioner. Accordingly, let the petitioner named above be enlarged on bail on furnishing

bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of
the like amount each to the satisfaction of concerned Court in
connection with Piprakothi P.S. Case No. 184 of 2022.

(Shailendra Singh, J)

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