

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24543 of 2023

Arising Out of PS. Case No.-56 Year-2022 Thana- PIPRAKOTHI District- East Champaran

SHASHI SAHNI @ SHASHI CHAUDHARY Son of Lalan Sahani @ Lalan Chaudhari Resident of village - Hathiyahi, P.S.- Piprakothi, District - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Singh, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-05-2023 1. Heard learned counsel for the petitioner and learned APP for the State.

2. Petitioner seeks regular bail in connection with Piprakothi P.S. Case No. 56 of 2022, dated 25.02.2022 registered for the offences punishable under Sections 272, 273 and 34 of the Indian Penal Code and Sections 30(a),(c) of the Bihar Prohibition and Excise Act.

3. The main submissions advanced by petitioner's counsel are that the instant matter relates to the recovery of 30 litres of *illicit country-made liquor* and the same is stated to have been recovered from the houses of two co-accused persons namely, Jagarnath Chaudhary and Nawab Shahni and the petitioner had no concern with both the said co-accused persons



and as per prosecution's allegation, police got the secret information that the accused persons including the petitioner indulged in manufacturing of illicit wine, thereafter the police raided the alleged place which is stated to be the bank of *Dhanauti river* from where 2100 litres raw material used in manufacturing of illicit wine was recovered and the same was destroyed but the petitioner has no connection with the said allegation and he was not arrested at the spot and his name came into light merely on the basis of secret information got by the police as per the FIR but the said source has no evidentiary value. Further submissions are that though against the petitioner there are criminal antecedents of ten cases but all the said cases have been lodged at the same police station and mainly on account of these criminal antecedents, petitioner has been made accused in this case while there is no evidence against him to connect him to the alleged recoveries as well as the alleged manufacturing of illicit liquor. Further submissions are that the alleged place, from where the alleged raw material purported to be used in manufacturing the alleged illicit wine was recovered, is an open place which is accessible to everyone and the petitioner is not the owner of the said place and the petitioner has been languishing in jail since 14.11.2022.



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

5. Considering the above submissions and mainly the facts that the petitioner was not apprehended at the spot which relates to the manufacturing of the illicit wine and petitioner has been made accused merely on the basis of secret information and the alleged recoveries of the wine were made from the houses of two other co-accused persons and against the petitioner investigation has been completed, in my opinion it is a fit case for bail to the petitioner. Accordingly, let the petitioner named-above be enlarged on bail **after framing of charge, if the same has not been framed** 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. 56 of 2022.

(Shailendra Singh, J.)

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