

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44019 of 2023

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

NAWAL SAHNI @ NAWAL CHOUDHARY @ NAWAL CHAUDHARY
Son of Lalan 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. Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 28-07-2023 Heard learned counsel appearing on behalf
of the parties.

2. The petitioner seeks bail in connection with
Piprakothi P.S. Case No.56 of 2022 registered for the offence
under Sections 272 and 273/34 of the Indian Penal Code and
Sections 30(a) and 30(c) of the Bihar Prohibition and Excise
Act, 2018.

3. The accused/petitioner is named in the F.I.R.
and is in custody since 14.11.2022.

4. The allegation against the petitioner is to be
engaged in illegal trade of illicit liquor, where, there is recovery
of 2100 litres of illicit liquor.

5. Learned counsel appearing on behalf of the



petitioner submitted that alleged recovery of illicit liquor appears to be made from bed of the river “*Dhanauti*”, which is an open place and accessible to general public and as such, it can be safely said that no alleged recovery of illicit liquor was made from conscious physical possession of this petitioner. It is submitted that one of the reason is suspicion behind implication of this petitioner with present recovery, as he found involved in 10 more similar nature of cases, where, he is on bail, having otherwise no bearing over the merit of present case. While concluding the argument, it is submitted that investigation of this case is completed, for which, charge-sheet has already submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP appearing on behalf of the State, opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above, as alleged recovery of illicit liquor was made from bed of the river “*Dhanauti*” coupled with the fact that charge-sheet has already submitted, where, petitioner is in custody since 14.11.2022, let the petitioner, above named, is directed to be released on bail in connection with Piprakothi P.S. Case No.56 of 2022, on furnishing bail bond of Rs.10,000/-



(Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.1, East Champaran, Motihari/concerned court, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors of the petitioner shall be deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

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