

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41179 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Shashi Sahni @ Shashi Chaudhary S/O Lalan Sahani @ Lalan Chaudhary
R/O Village- Hathiyahi, Ps. Piprakothi, Dist. East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ujjwal Kumar Singh

For the Opposite Party/s : Mr.Pradeep Narain Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 14-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 272, 273, 420, 467, 468, 471, 34 of the I.P.C. and sections 30(a), 30(c) of the Bihar Prohibition and Excise Act.

Prosecution case relates to recovery of incriminating wine from bank of Dhanauti river and the petitioner is said to have fled away from place of occurrence.

Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has committed no offence. He has falsely been implicated in this present case due to his criminal antecedent. Petitioner has no concern with the alleged recovery of illicit liquor or with the place of occurrence.



Neither the petitioner was apprehended on spot nor any incriminating article has been recovered from his conscious possession. It is further submitted that the seizure list witness are police officials, not a single independent witness which violates section 100 of Cr.P.C. Moreover, the petitioner is languishing in judicial custody since 9.11.2022.

Learned APP appearing for the State has vehemently opposed the prayer of Bail.

Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Piprakothi P.S. Case No. 9 of 2022 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Excise Court No.-1, East Champaran at Motihari.

(Sunil Kumar Panwar, J)

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