

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45493 of 2023

Arising Out of PS. Case No.-267 Year-2021 Thana- PIPRAKOTHI District- East Champaran

Shashi Sahni @ Shashi Chaudhary Son of Lalan Sahani @ Lalan Chaudhary
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
For the Opposite Party/s : Mr.Md. Iftekhar Mahmood

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 28-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has prayed for bail in a case registered
for the offence punishable under Sections 272, 273 of the Indian
Penal Code and Section 30(a), 32 of the Bihar Prohibition and
Excise Act.

Prosecution case relates to recovery of 20 liters of
country made liquor from a hut situated at bank of Dhanauti
river.

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 case by the police
on the basis of his criminal antecedent. He has no concern with
the alleged recovery or with the place of occurrence. The name
of the petitioner has been disclosed in this case by the villagers



before the police which has got no evidentiary value in the eye of law. Neither the petitioner was arrested on spot nor any incriminating article has been recovered from his conscious possession. Provision of Section 100 Cr.P.C. has not been followed by the police personnel while preparing the seizure list. The petitioner is languishing in judicial custody since 16.02.2023.

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

Having heard learned counsel for the parties and considering the facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No.1, East Chamaparan, Motihari in connection with Piprakothi P.S. Case No. 267 of 2021.

(Sunil Kumar Panwar, J)

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