

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41807 of 2023

Arising Out of PS. Case No.-18 Year-2022 Thana- PIPRAKOTHI District- East Champaran

Nawal Sahni @ Nawal Choudhary @ Nawal Chaudhary Son Of Lalan Sahani
Rsident 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. Nityanand, A.P.P.

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

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

2. The petitioner seeks bail in connection with
Piprakothi P.S. Case No. 18 of 2022 dated 19.01.2022, instituted
for the offence punishable under Sections 30(b) of the Bihar
Prohibition and Excise Act.

3. As per prosecution case, 2000 litres raw materials
(pass) of country made liquor is alleged to have been recovered
from the bank of the Dhanauti river.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and he has been falsely implicated in this
case. Learned counsel for the petitioner submits that nothing has
been recovered from the conscious possession of the petitioner and
whatever recovered is from the open place. Learned counsel for



the petitioner submits that similarly situated co-accused Mahesh Sahni @ Mahesh Chaudhari has been granted bail by a Co-ordinate Bench of this Court vide order dated 05.07.2023 passed in Criminal Miscellaneous No. 39501 of 2023. Lastly, it has been submitted that the petitioner is in custody since 16.09.2022 in connection with Pirpakothi P.S. Case NO. 259 of 2022 and police remanded the petitioner in the present case on 28.02.2023 only on the ground of his criminal history one by one while he was granted bail in several cases. There are ten criminal cases against the petitioner. Charge-sheet has been submitted in the case.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner be released on bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 1, East Champaran, Motihari, in Piprakothi P.S. Case No. 18 of 2022, subject to the following conditions:-

I. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and on his absence on two consecutive dates without sufficient reason, his bail



bond shall be cancelled by the Court below.

II. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

III. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

IV. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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