

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65463 of 2022

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

Nawal Sahni @ Nawal Choudhary @ Nawal Chaudhary S/o Lalan Sahani
R/v- Hathiyahi, P.S.- Pipra Kothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 1106 of 2023

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

Sunil Choudhary Son of Lalan Choudhary Resident of village - Hathiyai, P.S.-
Piprakothi, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 65463 of 2022)

For the Petitioner/s : Mr. Ajay Kumar Singh

For the Opposite Party/s : Mr. Anand Kishore Choudhary

(In CRIMINAL MISCELLANEOUS No. 1106 of 2023)

For the Petitioner/s : Mr. Pramod Kumar Pandey,

Mr. Subodh Kumar Barnwal

For the Opposite Party/s : Mr. Sanjay Kumar

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-01-2023 Heard Ld. counsel for the petitioners and Ld. APP
for the State.

The petitioners seek bail in connection with
Piprakothi P.S. Case No.09 of 2022, registered for the
offences punishable under Sections 272, 273, 420, 467,



468, 471 and 34 of the Indian Penal Code and Section 30(a)/ 30(c) of the Bihar Prohibition and Excise Act, 2016.

As per allegation, 15000 liters of raw liquor (Pass) and 25 liters of liquor has been recovered near Dhanauti river.

Ld. counsel for the petitioners submits that the petitioner are innocent and have falsely been implicated in this case. He further submits that nothing has been recovered from the conscious possession of the petitioners, rather the recovery has been made from an open field. He also submits that the petitioner are not arrested on the spot and they have nothing to do with the alleged recovery.

He further submits that the petitioners, Nawal Sahni and Sunil Choudhary have been languishing in jail since 23.09.2022 and 09.11.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners, Nawal Sahni and Sunil Choudhary have earlier been made accused in four cases each.

It is also stated in paragraph no. 2 of the bail



petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the present matter.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners, above-named, to be enlarged on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of Ld. Exclusive Special Excise Court-1, East Champaran in connection with Piprakothi P.S. Case No.09 of 2022 on the following conditions:

(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.



(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have criminal antecedents other than the disclosed one, Ld. court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, Ld. court below shall cancel the bail bonds of the petitioners.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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