

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65348 of 2022**

Arising Out of PS. Case No.-289 Year-2021 Thana- PIPRAKOTHI District- East Champaran

Nawal Sahni@ Nawal Choudhary @ Nawal Chaudhary, aged about 39 years,  
male, S/o Lalan Sahani R/v- Hathiyahi, P.S.- Pipra Kothi, District- East  
Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr.Ajay Kumar Singh, Adv.  
For the State : Ms.Sucheta Yadav, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD**  
**ORAL ORDER**

2      20-01-2023                      This matter has been taken up today for consideration  
through video conferencing.

Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor (*for brevity, APP*) appearing for the  
State of Bihar.

The petitioner seeks bail in connection with Piprakothi  
PS Case No. 289 of 2021, registered for the offence punishable under  
Sections 272 and 273/34 of the Indian Penal Code and Sections  
30(a) and 30 (c) of the Bihar Prohibition and Excise Amendment Act,  
2018.

From the river bank, there is alleged recovery of 2000  
liters of semi prepared illicit liquor. It is submitted that even as per  
the First Information Report (*for brevity 'FIR'*) recovery is from an  
open place. Petitioner has not been arrested from the place of  
recovery. His implication in one case after the other has led to  
lodging of four cases earlier, all under the Bihar Prohibition and  
Excise Act. He is stated to be in custody since 16-09-2022. It is  
submitted that he has no concern with the alleged recovery. Recovery  
is denied and disputed by the petitioner's counsel. It is submitted that



recovery is not in accordance with law.

Learned APP for the State has opposed the prayer for bail.

Having regard to the manner of recovery, submissions advanced by the parties, period of custody and the fact that investigation is complete, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise Court No.1, East Champaran, Motihari, in connection with Piprakothi PS Case No. 289 of 2021, subject to the following conditions:-

- (i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.
- (ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

**(Madhuresh Prasad, J)**

shyambihari/-

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