

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47950 of 2024

Arising Out of PS. Case No.-209 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1.

HARI MOHAN SAHANI @ HARI MOHAN CHAUDHARY SON OF GO-BARI CHAUDHARY VILLAGE- HATHIYAH, P.S.- PIPRAKOTHI, DISTT.- EAST CHAMPARAN, MOTIHARI
2.

DHUENDRA SAHNI @ DHUENDRA CHAUDHARY @ DHRENDRA CHAUDHARY SON OF GOPAL SAHNI @ GOPAL CHAUDHARY VIL-LAGE- HATHIYAH, P.S.- PIPRAKOTHI, DISTT.- EAST CHAMPARAN, MOTIHARI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Sharda Nand Mishra
For the Opposite Party/s	:	Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

215-07-2024

At the outset, learned counsel for the petitioners sub-mits that petitioner no. 2, Dhuendra Sahni @ Dhuendra Chaudhary @ Dhrendra Chaudhary have been arrested during pen-dency of this application and as such, this application has be-come infructuous as against him.

In view of the above, this application stands dismissed as infructuous as against petitioner no. 2, Dhuendra Sahni @ Dhuendra Chaudhary @ Dhrendra Chaudhary.

Heard learned counsel for the petitioner no. 1 and learned A.P.P. for the State.

2. The petitioner is apprehending arrest in connec-tion with Piprakothi P.S. Case No. 209 of 2023 registered for the offences punishable under Sections 147, 148, 149, 272, 273, 341, 323, 332, 333, 353, 308, 504, 506 of the Indian Penal Code

and sections 30(a), 32(i), 34(b), 45, 36 of the Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per prosecution case, there is alleged recovery of total 40 liters illicit country made liquor was recovered from the house of the co-accused Chhabila Chaudhary and Mahendra Chaudhary and 500 liters pass had also been recovered from the bush and the alleged recovery of paas was destroyed at the place of occurrence. Petitioner is alleged to have fled away from the place of occurrence and he is also alleged to have abused and assaulted the police officials.

4. Learned counsel for the petitioner submits that petitioner is innocent and has not committed any offence as alleged in the first information report. Petitioner is merely a member of the mob. Petitioner was not apprehended on the spot. Nothing specific is alleged against this petitioner. Nothing has been recovered from the conscious possession of this petitioner. Petitioner has no criminal antecedent and he has been falsely implicated in this case. The alleged recovery has been made from co-accused Mahendra Chaudhary and Chhabila Chaudhary and petitioner has nothing to do with the alleged recovery. Seizure has not been made as per law. Learned counsel for the petitioner submits that co-accused Shanti Devi, Saroj Devi,

Seema Devi and Rani Devi have already been granted anticipatory bail by this Court vide order dated 11.03.2024 passed in Cr. Misc. No. 14652 of 2024 and the case of the present petitioner stand on more or less similar footing.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, argument advanced on behalf of both sides, the co-accused have already been granted anticipatory bail and also taking into consideration the materials available on record, let the petitioner, above named, in the event of arrest or surrender within a period of six weeks from today, be released on anticipatory bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge Court-1, East Champaran, Motihari in connection with Piprakothi P.S. Case No. 209 of 2023, subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure.

(Alok Kumar Pandey, J)

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