

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70269 of 2024

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

Dhurendra Sahani S/o Late Gopal Sahani R/o vill - Hathiyahi, P.S. -
Piprakothi, Distt. - East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr.Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

2 04-12-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Piprakothi P.S. Case No.18 of 2022 lodged under Sections 30(B)
of Bihar Prohibition and Excise (Amendment) Act, 2018.

3. As per the prosecution case, the total recovery of
2000 liter desi wine (kacha sarab) has alleged to be made from
the bank of Dhanauti River at village-Hathiyahi, which is
subject matter of the present case.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He submits
that the said recovery of wine has not been made from the
possession of the petitioner rather the recovery has been made at
the bank of the Dhanauti River which is apparent from the



seizure list.

5. Counsel further submits that petitioner has not been apprehended from the place of occurrence rather his name has come by virtue of confessional statement of the co-accused persons who have been granted bail by this Court *vide* Annexure-P/2 series of the bail petition. He further submits that the petitioner is in custody since 10.07.2024 having 6 criminal cases pending against him. (three in the original petition and three in the supplementary petition).

6. Learned counsel for the State opposes the prayer for bail and submits that it has been intimated by the Special Excise Court that the petitioner appears to be a habitual offender.

7. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail, **after framing of charge, if not framed** as well as on being satisfied by the trial court that the petitioner is not absconding in any of the cases which are pending against him whose details are mentioned below, on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of Exclusive Special Excise Judge-I, East Champaran, Motihari or its



available successor court in connection with Piprakothi P.S.
Case No.18 of 2022, subject to the following conditions as laid
down under Section 437(3) of Cr.P.C.

8. The details of the cases which are pending against
the petitioner, are as follows:-

- i. Piprakothi P.S. Case No.36 of 2022.
- ii. Piprakothi P.S. Case No.209 of 2023.
- iii. Piprakothi P.S. Case No.41 of 2024.
- iv. Piprakothi P.S. Case no.62 of 2022.
- v. Piprakothi P.S. Case No.362 of 2020.
- vi. Piprakothi P.S. Case No.281 of 2020.

(Dr. Anshuman, J.)

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