

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17206 of 2025

Arising Out of PS. Case No.-88 Year-2024 Thana- PIPRAKOTHI District- East Champaran

Sudhir Chaudhary, Gender-Male, aged about 32 years, Son of Late Raj Kumar Choudhary, Resident of Village - Hathiyahi, P.S.- Piprakothi, District - East Champaran.

... .. Petitioner

Versus

The State of Bihar Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate

For the Opposite Party : Mr. Arun Kumar Pandey, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-07-2025 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. 88 of 2024 dated 26.04.2024, registered for the offences punishable under Sections 272, 273, 308, 328, 414, 467, 468 471 of the I.P.C., Section 30(a) of the Bihar Prohibition and Excise (Amendment) Act, 2022 and Section 20(b)(ii)(c), 23(c) and 29 of the N.D.P.S. Act.

3. As per the prosecution case, total 1 Kg., Charas, a mobile phone, key of Toyota Car, 155 litres of illicit spirit and other articles were recovered from the Toyota Car. It is further alleged that total 60,000/- litres of spirit was also recovered from the two Tankers.



4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The petitioner was not arrested on the spot. His name has surfaced in the present case on the basis of disclosure made by the apprehended co-accused person Rajesh Singh. It is further submitted that in the intervening night of 25.04.2024 and 26.04.2025 the petitioner was not present at the place of occurrence rather he was present in his house at Village-Hathiyahi, which is about 7 KM far away from the alleged place of occurrence. The petitioner has been made accused in the present case as has past criminal antecedent with regard to excise case in the same Pipra Kothi Police Station. It is further submitted that neither the petitioner is owner of the recovered Tankers and Car nor he has any connection with the recovered illicit liquor, spirit and Charas. No incriminating article has been recovered from his possession. It is further submitted that the other co-accused person, Naresh Sahani, has already been granted bail by a Bench of this Court in Cr. Misc. No. 21968 of 2025 dated 23.04.2025, annexed. The petitioner has six criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 28.01.2024.



5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner. Learned A.P.P. for the State has filed a counter affidavit on behalf of the Superintendent of Police, East Champaran at Motihari and in paragraph no. 7 of the said counter affidavit it has been stated that 1 kg. Charas was recovered from the possession of the petitioner.

6. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Excise Court No. 1, Civil Court, East Champaran in connection with Pipra Kothi P.S. Case No. 88 of 2024 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be



cancelled.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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