

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27986 of 2025

Arising Out of PS. Case No.-198 Year-2023 Thana- PIPRAKOTHI District- East Champaran

1. Saheb Chaudhary Son of Mahesh Chaudhary @ Mahesh Chaudhari Resident of village -Hathiyahi (Tikuliya) P.S.- Piprakothi, District- East Champaran
2. Jawan Chaudhary @ Jawan Kumar Chaudhary @ Jawan Kumar son of Mahesh Chaudhary @ Mahesh Chaudhari Resident of village -Hathiyahi (Tikuliya) P.S.- Piprakothi, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s : Mrs. Asha Devi, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 01-05-2025 Heard learned counsel for the petitioners and
learned APP for the State.

2. The petitioners seek bail in connection with
Piprakothi P.S. Case No. 198 of 2023, instituted for the offences
punishable under Section 30(a) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, total 69.500
liters liquor was recovered out of which 20 liters each has been
recovered behind the house of the petitioner nos. 1 and 2.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and have falsely been implicated in the
present case. No incriminating material have been recovered



from the conscious possession of the petitioners. The petitioners have got no concern with the alleged recovery of liquor. Learned counsel for the petitioners also submits that the alleged recovery has been made from an open place which is easily accessible to public at large and not from the house of the petitioners. Petitioner no. 1 is in custody since 15.01.2025 and has got nine criminal antecedents in which he is on bail in eight cases. Petitioner no. 2 is in custody since 24.01.2025 and has got seven criminal antecedents in which he is on bail. There is no compliance of Section 103 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioners, this Court is inclined to grant bail to the petitioners.

7. Let the petitioners be released on bail *after framing of charge, if not already framed* on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Piprakothi P.S. Case No. 198 of 2023, subject to the following conditions:



(I) One of the bailors shall be own/close member of the family of the petitioners.

(II) The petitioners shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioners.

(III) If the petitioners are found involved in similar nature of offence in future, the Trial Court will have the liberty to cancel the bail bonds of the petitioners.

(Rudra Prakash Mishra, J)

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