

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.635 of 2020

Arising Out of PS. Case No.-425 Year-2019 Thana- GOVERNMENT OFFICIAL COMP.
District- Jamui

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1. Raghubir Sahani, aged about 24 years, Gender – Male, Son of Ram Babu Sahni
 2. Subhash Sahani, aged about 21 years, Gender-Male, Son of Yugal Sahani, both are resident of Village-Chakabdul Rahman, P.S.-Bochaha, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok, Advocate
For the Opposite Party/s : Mr.Bishweshwar Ram

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 29-05-2020 Heard the parties through the virtual court proceeding.

The petitioners seek bail in connection with Complaint Case No. 425 C2 of 2019 registered for the offence punishable under Section 30(A) of the Bihar Prohibition and Excise (Amendment) Act, 2018.

By order dated 28.01.2020, this Court has directed the District Magistrate, Muzaffarpur to file his personal affidavit in the present case. Pursuant to the court's order, the District Magistrate has filed the counter affidavit in the present case at flag 'Y' and mentioned therein that the matter is related with Complaint Case No.425 C2 of 2019 instituted in the district of Jamui in connection with the said complaint case. He further



submits that Kateya Excise Check-Post does not fall within the jurisdiction of Muzaffarpur district. However, for compliance of the order passed by the Hon'ble Court, the answering respondents vide its letter contained in Memo No.309 dated 13.01.2020 have already been communicated the same to District Magistrate, Jamui, but District Magistrate, Jamui has not filed personal counter affidavit in the present case.

Learned counsel for the petitioners submits that there is no recovery from the conscious possession of the petitioners rather 1372.320 litres of foreign liquor has been recovered from Tata 407 vehicle bearing Registration No.BR-06GA-1090. Learned counsel for the petitioners further submits that the said vehicle does not belong to the petitioners. Learned counsel for the petitioner further submits that the petitioners are innocent and have falsely been implicated in the present case. Learned counsel for the petitioners further submits that the petitioners have no criminal antecedent. Learned counsel for the petitioners further submits that the petitioners are in jail custody since 26.10.2019.

Learned A.P.P. for the State opposed the bail petition.

Petitioners are agreed to deposit a sum of Rs.40,000/- (Rupees Forty Thousand) in the PM Cares fund, bearing



Account No.2121PM20202, IFSC Code: SBIN 0000691,
SWIFT Code: SBININBB104, State Bank of India, New Delhi
Main Branch, UPI ID: pmcares@sbi.

Considering the facts aforesaid, the above named
petitioners are directed to be enlarged on bail on furnishing bail
bond of Rs. 25,000/- (twenty five thousand) each only with two
sureties of the like amount each to the satisfaction of A.D.J.-II,
Jamui in connection with Complaint Case No. 425 C2 of 2019.

The bail bond of the petitioners shall be accepted by
the learned Court below on showing receipt of deposit of
Rs.40,000/- (Rupees Forty Thousand) in the PM Cares fund.

(Anjani Kumar Sharan, J)

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