

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14028 of 2025

Arising Out of PS. Case No.-630 Year-2024 Thana- SAHEBGANJ District- Muzaffarpur

1. Jitesh Kumar, son of Pahari Sahni @ Jaymangal Sahani, resident of village- Hussepur Naya Tola, P.S.- Sahebganj, Dist- Muzaffarpur.
2. Chuman Sahni, son of Chandrika Sahani, resident of village- Hussepur Naya Tola, P.S. - Sahebganj, Dist- Muzaffarpur

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Partys

Appearance :

For the Petitioners	:	Mr. Nafisuzzoha, Advocate. Ms. Shabina Talat, Advocate.
For the State	:	Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-03-2025 Heard learned counsel for the petitioners and learned
APP for the State.

2. The present petition has been filed on behalf of the petitioners, apprehending their arrest, in connection with Sahebganj PS. Case No. 630 of 2024 dated 30.12.2024, registered for the offences punishable under Sections 30(a) and 30(d) of Bihar Prohibition and Excise Amendment Act, 2018.

3. As per allegation, 250 litres of illicit liquor has been recovered from *Diara* area. However, as per the statement of local *chowkidar*, the petitioners and other co-accused were seen to be fleeing away from the place of recovery.

4. Learned counsel for the petitioners submits that the



Petitioners are innocent and have falsely been implicated in this case. He further submits that recovery has been made from a public place and the petitioners are no way connected with the alleged recovery. Only on the basis of suspicion, they have been dragged in this case without any cogent reason.

5. It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one in the instant case.

6. It has further been stated in paragraph no.3 of the petition that the petitioner No. 1 has been made accused in another case in which he is on bail and petitioner No. 2 has got no criminal antecedent.

7. Learned APP for the State vehemently opposes the prayer of the Petitioner for bail.

8. Considering the aforesaid facts and circumstances, **this petition is allowed**, directing the petitioners above-named, to be enlarged on bail, in the event of their arrest or surrender before the court below within a period of eight weeks from the date of receipt / production of a copy of this order, on their furnishing bail bonds in the sum of Rs.10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. II,



Muzaffarpur, in connection with Sahebganj PS. Case No. 630 of 2024, subject to the conditions as laid down under Section 438 (2) Cr.PC and on the following conditions:

(i) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(ii) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioners.

(Jitendra Kumar, J)

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