

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.38604 of 2017

Arising Out of PS.Case No. -44 Year- 2017 Thana -HUSAINGANJ District- SIWAN

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Subhan Mian Son of Late Ebrahim Mian, Resident of Village- Bhager, P.S.-
Siswan, District- Siwan.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Advocate

For the Opposite Party/s : Mrs. Renuka Ratnakar, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 21-08-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody since
29.06.2017 in connection with Hussainganj M.H. Nagar P.S. Case
No. 44 of 2017 registered for the offences punishable under
Sections 272 and 273 of the Indian Penal Code and Section 41(i)
of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that in the house of the
petitioner trade of illicit liquor is going on, they raided the house
of the petitioner, where all the five named accused persons
managed to flee away. From the terrace of the house of the
petitioner under straw about 234 litres of foreign liquor was
recovered.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history and has been falsely implicated only because house belongs to him and all the other four accused persons were his tenant and he did not know that illicit trade was going on in his house. He submits that nothing has been recovered from his conscious possession and other co-accused, namely, Alamgir Alam, Sagir Alam and Sarfuddin Alam have been granted the privilege of bail by a coordinate Bench of this Court in Cr. Misc. No. 25245 of 2017 on 05.07.2017 and Cr. Misc. No. 3947 of 2017 on 19.08.2017.

However, learned A.P.P. for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner above named be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Siwan in connection with Hussainganj M.H. Nagar P.S. Case No. 44 of 2017.

(Nilu Agrawal, J.)

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