

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15048 of 2019

Arising Out of PS. Case No.-219 Year-2017 Thana- HUSSAINGANJ District- Siwan

MUNIB SAH, Male, aged about 30 years, Son of Raj Mohan Sah, Resident of
Village-Saraiya, P.S.-Hussainganj, District-Siwan ... Petitioner
Versus

The State of Bihar ... Opposite Party

Appearance :

For the Petitioner : Mr. Raghav Prasad, Adv.
For the Opposite Party : Mr. Mohammed Arif, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 14-03-2019 Heard the learned counsel for the petitioner and the
learned counsel appearing for the State.

The petitioner is languishing in judicial custody since
04.02.2019 in connection with Hussainganj P.S. Case No. 219 of
2017 for the offences alleged under Sections 272, 273, 308, 414
and 420 of the Indian Penal Code and under Sections 41(1), 30,
36 and 38 of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, as lodged by the police
personnel, is that on secret information that some persons are
carrying illicit liquor in two motorcycles, the police
apprehended two co-accused persons and one motorcycle and
from the motorcycle 36 liters of illicit liquor was recovered.
The names of the two accused persons, the petitioner, and one
Rajendra Prasad, were revealed by the apprehended co-accused,
who had left the motorcycle and on search 36.360 liters of illicit



liquor was recovered from the abandoned motorcycle. Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal history, but, after the present case the petitioner has been implicated in another case being Mairwa P.S. Case No. 368 of 2018 for different offence. He was not apprehended by the police and only on the confessional statement of the co-accused, before the police, which has no evidentiary value in the eye of law, the petitioner has been made accused. He submits that on similar allegation, one of the co-accused has been granted the privilege of pre-arrest bail by this Court in Cr. Misc. No. 16817 of 2018, dated 23.03.2018, by a coordinate Bench of this Court and the petitioner is languishing in judicial custody since more than one month.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Hussainganj P.S. Case No. 219 of 2017 to the



satisfaction of the learned Additional Sessions Judge II-cum-Special Judge, Excise, Siwan, subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(Nilu Agrawal, J)

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