

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32282 of 2017

Arising Out of PS.Case No. -546 Year- 2016 Thana -ARARIA District- ARARIA

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1. Md. Salim Reza @ Md. Salim, aged about 35 Years, Son of Md. Motiur Rahman, Resident of Village- Chilhania, P.S.- Mahalgown (Jokihat) Bag Nagar, Araria, District- Araria.
 2. Md. Imteyaz Alam @ Imtiyaz Alam, aged about 39 years, Son of Salimuddin, @ Md. Salimuddin, Resident of Village- Ghaghari, Bangama, P.S.- Araria, District- Araria.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kamal Kishore Singh, Advocate.

For the Opposite Party/s : Mr. Nawal Kishore Pd., A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

3 25-07-2017 Heard learned counsel for the petitioners and the State.

The petitioners apprehend their arrest in Araria P.S. Case No. 546 of 2016, Special Case No. 31 of 2016 instituted for the offence under Sections 272, 273/34 of the Indian Penal Code, Section 27(b)(ii), 28 of Drugs and Cosmetics Act, 1940, Section 36 AC Drugs and Cosmetics (Amendment) Act, 2008 and Section 22 (C) of N.D.P.S. Act, 1985.

It is alleged in written report that 4000 bottles of Corex cough syrup have been recovered from one Binod Kumar Bhagat, owner of Azad Transport and he stated that the syrups has



to be dispatched to Alsafa Traders registered in the name of these petitioners. But the consignment was booked in the name of M/s. Shivam Surgical. The petitioners have no concern with M/s. Shivam Surgical. In this manner, the recovery of cough syrup has been made from premises of Azad Transport, not from possession of the petitioners.

Considering the facts and circumstances of the case, prayer for anticipatory bail of the petitioners is allowed. In the event of surrender/arrest of the petitioners, named above, within six weeks from today, in connection with Araria P.S. Case No. 546 of 2016 (Special Case No. 31 of 2016) , they shall be released on anticipatory bail on furnishing bail bond of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge-cum-Special Judge, Araria, subject to the conditions as laid down under Section 438 (2) Cr. P.C. with further conditions (1) bailors should be local having sufficient immovable property within the jurisdiction of the court concerned, (2) petitioners shall cooperate in the trial and shall be present on each and every date fixed by the court and absence on two consecutive dates without proper and reasonable reason will automatically cancel bail bond of the petitioners and (3) if petitioners tamper with the evidence or the witnesses of the



case, in that case, prosecution will be at liberty to move for
cancellation of bail of the petitioners.

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(Sanjay Priya, J)

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