

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.3072 of 2019

Arising Out of PS. Case No.-825 Year-2018 Thana- FORBESGANJ District- Araria

1. Md. Musa, Son of Tasir Resident of Village-Jhiruwa , P.S.Simraha- , District-Araria .
2. Md. Kamil, Son of Yunus Resident of Village-Jhiruwa East, P.S.Simraha- , District-Araria .
3. Md. Uma, Son of Mahiuddin Resident of Village-Jhiruwa East, P.S.Simraha- , District- Araria .

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mahendra Thakur, Advocate

For the Opposite Party/s : Mr. Md. Nazir Ansari, APP.

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

2 23-01-2019 Heard the learned counsel for the petitioners and the State.

The petitioners seek bail in anticipation of their arrest in connection with Special Case No. 1338 of 2018, arising out of Forbesganj (Simraha) P.S. Case No. 825 of 2018 dated 26.11.2016 instituted for the offence under Sections 30(a)/38(i) of the Bihar Prohibition and Excise Act, 2016.

From near the house of co-accused Md. Guddu, 800 bottles of cough syrup is said to have been recovered from a Sumo vehicle. The FIR discloses that a secret information was received by the police party that some illegal activity is being committed by the petitioners and others.

But for the recovery of cough syrup, no other incriminating article has been recovered from the Sumo



vehicle.

Learned counsel for the petitioners has submitted that the name of the petitioners though finds mention in the FIR but such information is only on the basis of hearsay material. Nothing has been recovered from the possession of the petitioners and the petitioners have got absolutely no concern with either the vehicle from which recovery has been made or are in anyway associated with Md. Guddu.

The petitioners have no criminal antecedents.

Considering the aforesaid facts the petitioner are directed to be released on bail, in the event of their arrest or surrender before the court below within a period of four 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 the learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Special Case No. 1338 of 2018, arising out of Frbesganj (Simraraha) P.S. Case No. 825 of 2018, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Ashutosh Kumar, J)

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