

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20091 of 2019

Arising Out of PS. Case No.-334 Year-2018 Thana- PALASI District- Araria

-
1. MD. KHALIL Son of Haji Nasimuddin, Resident of Village- Mohania, Police Station- Palasi, District- Araria.
 2. Md. Firoz @ Md. Firoz Alam, Son of Lal Mohammad, Resident of Village- Mohania, Police Station- Palasi, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar Rana

For the Opposite Party/s : Mrs. Sucheta Yadav

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-04-2019 Heard learned counsels for the petitioners and the State.

The petitioners are languishing in custody since 05.03.2019 in a case registered for the offences punishable under Sections 272 and 273 of the IPC and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution case is that 208 litres of cough syrup and codeine syrup were recovered from the house of co-accused Haji Nasimuddin and five accused persons were apprehended. The apprehended co-accused Haji Nasimmudin disclosed the name of the petitioners as the persons who escaped from the



scene.

It is submitted by learned counsel for the petitioner that co-accused persons, from whose house, recovery were made, have been granted bail by a Co-ordinate Bench of this Court, vide order dated 30.01.2019, passed in Cr. Misc. No. 5230 of 2019. Moreover, admittedly no recovery has been made from the conscious physical possession of the petitioners. A statement has been made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent.

Learned APP submits that the name of the petitioners sprang up on the confession of apprehended co-accused persons.

Considering the fact that prosecution case does not suggest that recovery has been made from the conscious physical possession of the petitioners and other co-accused persons, from whose house, recovery were made, have been granted bail by a Co-ordinate Bench of this Court, coupled with the statement made in paragraph no.3 of the petition that the petitioners are not having any criminal antecedent, let the above named petitioners be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of like amount each to the satisfaction of 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Palasi P.S. Case



No. 334 of 2018, Special Case No. 1525 of 2018.

(Dinesh Kumar Singh, J)

Amrendra/-

U		T	
---	--	---	--

