

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2011 of 2019**

Arising Out of PS. Case No.-315 Year-2018 Thana- JOKIHAT District- Araria

MD. MUSABBIR @ MD. MOSSABIR @ MD. MASBBIR son of Late Rafique Alam, Resident of village Chirah, Ward No. 02, P.S; Jokihat (Mahalgaon), District Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

**Appearance :**

For the Petitioner/s : Mr.Ramesh Kumar Singh  
For the Respondent/s : Mr.Sri Parmanand Prasad

**CORAM: HONOURABLE MR. JUSTICE S. KUMAR**  
**ORAL ORDER**

2      15-01-2019      Heard learned counsel for the parties.

Petitioner seeks bail in **Jokihat P.S. Case No. 315 of 2018 corresponding to Special Case No. 25 of 2018**, registered for the offence punishable under Section 8/20 of the NDPS Act and under Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

Informant who is police officer in his written report has stated that when he was on patrolling duty he received information that one person is selling Corex cough syrup and Ganja and when he reached there, petitioner was apprehended at the spot and from his possession cash Rs. 2150/-, 22 bottles of Eskuf Cough syrup, 400 gm of Ganja and five strips of Titravet tablet were recovered.

It has been submitted on behalf of the petitioner that



he is innocent and has been falsely implicated in this case on suspicion. It has been further submitted that the mandatory provisions of NDPS Act has not been followed. Petitioner has got no criminal antecedent and is in custody since 15.10.2018.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned **District & Sessions Judge, Araria**, in connection with **Jokihat P.S. Case No. 315 of 2018 corresponding to Special Case No. 25 of 2018,,** with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the court below.

(3) If the petitioner tampers 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 petitioner.

**(S. Kumar, J)**

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