

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70829 of 2019

Arising out of PS. Case No.-140 Year-2019 Thana- MAKER District- Saran

MD. AURANGJEB @ LADDU @ AURANGJEB Son of Late Nasim
Resident of Village - Arariya, P.S.- Arariya, District - Arariya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Gagan Deo Yadav, Advocate
For the Opposite Party/s	:	Mr. S.D. Yadav, APP

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

3 18-12-2019 Instant petition under Sections 439 and 440 of Criminal Procedure Code has been moved for grant of bail in F.I.R. No. 140 of 2019, dated 16.08.2019, registered at Police Station Maker under Sections 411, 420, 120 B/34 of the Indian Penal Code and Sections 27 (b) (ii), 28 Drugs and Cosmetics Act, 1940 and 8 (c), 22(b) of the N.D.P.S. Act, 1985.

I have heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State. I have also perused the relevant record of the case, necessary for adjudication of this petition.

It is the case of the prosecution that petitioner was arrested from the car from which 2300 bottles of Eskof cough syrup of 100 ML each were recovered containing codeine



phosphate 460 gram. No paper was shown by them regarding possessing the said cough syrup.

The main accused already stands granted bail by a coordinate Bench of this Court vide order dated 22.10.2019 passed in Cr. Misc. No. 66705 of 2019, titled as Md. Parwej Alam @ Md. Prawej Alam @ Md. Parwaj Alam Vs. The State of Bihar.

The allegations have been seriously disputed by the petitioner. Prima facie also, it appears that thus far no case against the petitioner is made out indicating his complicity in the alleged crime. The accused was sitting in the vehicle as a passenger having taken lift.

It is submitted by learned counsel for the petitioner that the petitioner has roots in the society; is not likely to interfere in the investigation or influence any of the witnesses or destroy the evidence; is behind bars since 17.08.2019; no custodial interrogation is required; there is no direct involvement of the petitioner in the crime; no further recovery is to be made and the petitioner has fully cooperated in the investigation.

Learned Additional Public Prosecutor does not seriously oppose the application.



Prima facie, nothing is produced to highlight petitioner's direct involvement in the crime.

Thus, this Court is of the considered view that petitioner has made out a case for grant of bail. Possibility of false implication, as is so alleged by the petitioner, cannot be ruled out. Also, thus far save and except for naming the petitioner in the F.I.R., no evidence corroborative in nature stands recorded by the police. Also, none has come forward to highlight the possible involvement of the petitioner in the crime. On what basis the Investigating Officer could link the accused to the crime is also not emanating from the record.

Be that as it may, considering the entire attending facts and circumstances of the case, let the petitioner, named above, be released on bail on furnishing bail bond of Rs. 25,000/-(Twenty five thousand) with two sureties of like amount each to the satisfaction of learned C.J.M., Saran at Chapra in connection with Maker P.S. Case No. 140 of 2019, on the following conditions:-

(i) That one of the bailors of the petitioner shall be his close relative.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.



(iii) That the petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall cooperate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

Any observation made herein shall not be construed to be an expression on the merits of the matter.

Petition stands disposed of in the above terms.

(Sanjay Karol, CJ)

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