

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No. 79480 of 2019**

Arising Out of PS. Case No.-811 Year-2019 Thana- ARARIA District- Araria

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1. Md. Kamal @ Md. Kamal Ansari, Md. Salim Ansari, Resident of Village- Momin Tola, Bargachhi, Ward No.14, P.S. and District- Araria.
  2. Akbar @ Md. Akram, S/o – Majebul, Resident of Village- Satbitta, P.S.- Jokihar, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

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| For the Petitioner/s :     | Mr. Md. Naushad Uzzoha    |
| For the Opposite Party/s : | Mr. Pawan Kumar Chaurasia |

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

2      18-02-2020      Heard learned counsel for the petitioners and learned APP  
for the State.

The petitioners have filed the instant application for grant of anticipatory bail apprehending their arrest in a case registered for the offence under sections 30(a) and 38 of the Bihar Prohibition and Excise Act, 2016.

As per allegation in the F.I.R., on the motorcycle driven by the petitioner no. 1 being stopped by the informant both the petitioners who were on the motorcycle managed to escape. It is stated that the petitioners were identified by the local residents. It is further stated that 40 bottles of 100 ml each of cough syrup containing codeine was recovered i.e. total quantity of 4 litres.

It is submitted by learned counsel for the petitioners that



the petitioners are innocent and have been falsely implicated. Neither the petitioners were arrested at the spot nor any incriminating article was recovered from their possession. They have been falsely implicated because of village politics.

The application for bail has been opposed by learned APP for the State, who submits that the petitioner no.1 has criminal antecedent under the N.D.P.S. Act.

Having heard learned counsel for the parties and taking into consideration the fact that the petitioner no.1 has criminal antecedent under the N.D.P.S. Act, this Court is not inclined to enlarge the petitioner no.1, Md. Kamal @ Md. Kamal Ansari on bail. As such, the application for anticipatory bail filed by petitioner no.1 stands rejected.

Having regard to the fact that the petitioner no.2 was neither arrested at the spot, no incriminating article has been recovered from his possession and he has no criminal antecedent, this Court is inclined to enlarge the petitioner no.2, Akbar @ Md. Akram on bail. The petitioner no.2, Akbar @ Md. Akram in the event of his arrest or surrender in the Court below within a period of six weeks from today in connection with Special Case no.1248 of 2019 arising out of Araria (Bairgachhi) P.S. Case no.811 of 2019 is directed to be enlarged on bail on



furnishing bail bond of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned 2<sup>nd</sup> Additional District and Sessions Judge-cum-Special Judge, Araria subject to the conditions as laid down in section 438 (2) of Criminal Procedure Code.

**(Partha Sarthy, J)**

Bibhash/Ankit

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