

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)**

CRIMINAL MISCELLANEOUS No.10854 of 2021

Arising Out of PS. Case No.-277 Year-2020 Thana- PALASI District- Araria

ANZAR @ MD. ANZAR SON OF SAMIM RESIDENT OF VILLAGE-
BARAHAT, WARD NO.-13, P.S.- PALASI, DIST- ARARIA.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Kundan Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Mrityunjay Kr. Gautam, APP.

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 14-06-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Mrityunjay Kumar Gautam, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Spl. Case No. 698 of 2020 arising out of Palasi P.S. Case No. 277 of 2020 registered for the offences punishable under Sections 30(a) Excise Act amended 2018.

Learned counsel for the petitioner submits that as per the prosecution story, on the basis of secret information that a person is carrying banned codeine cough syrup from motorcycle is travelling from Jokihat to Palasi, the informant along with other police party reached there in search of vehicles. They found a motorcycle coming towards them and on seeing police the motorcycle rider has turned to



flee away but fell down and was apprehended. The apprehended person disclosed his name as Md. Anzar. In presence of witnesses the police recovered 109 bottles of banned codeine syrup form his motorcycle.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that neither the cough syrup belongs to the petitioner nor the motorcycle from which the alleged recovery has been made has any concern with the petitioner. The petitioner is in custody since 30.08.2020 having no criminal antecedent.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that neither the cough syrup belongs to the petitioner nor the motorcycle from which the alleged recovery has been made has any concern with the petitioner, he has remained in jail since 30.8.2020, investigation against him is complete, prior to the present case he had no criminal antecedent, in the nature of the materials placed before this court, let the petitioner be released on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned 2nd Additional Sessions Judge-cum-Special Judge, Araria in connection with Palasi P.S. Case No. 277 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:



(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

