

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27053 of 2022

Arising Out of PS. Case No.-178 Year-2019 Thana- KASBA District- Purnia

MD. ISTAHAQUE ALAM @ ISHTIYAQUE ALAM Son of Md. Hasan
Resident of Zero Mile Sisouna Ward No.- 1, P.S.- Araria, District - Araria.
... .. Petitioner/s

Versus

The Union of India Delhi

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Adv.

For the Opposite Party/s : Mr.Additional Solicitor General

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 06-09-2022 Heard the parties.

Learned counsel for the petitioner undertakes to remove the defects within four weeks of resumption of normal court proceedings. In the eventuality of non-removal of defects within stipulated period, office will place the matter before the Bench.

The petitioner apprehends his arrest in a case registered for the offence punishable u/s 272, 273, 274/34 of the IPC, sections 27(b), (ii), (d), 28 of the Drugs and Cosmetics Act and section 21(b) of the N.D.P.S. Act.

Allegedly, 8 cartoons of Codine containing cough syrup were seized from the spot which were being loaded to a Scorpio from Magic Goods Carrier vehicle. The Scorpio vehicle fled away at high speed and it is alleged that petitioner is the owner of the said Scorpio vehicle.

It is submitted by learned counsel for the petitioner that



petitioner is quite innocent and has committed no offence. He has been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. He has been made accused in this case on the basis that he is owner of the said Scorpio vehicle but this vehicle has not been seized from the spot. Petitioner has neither been apprehended on the spot nor any recovery has been made from his conscious physical possession. He has no concern with the loading or unloading of the said syrup. Petitioner has one criminal antecedent.

Having regard to the facts and circumstances of the case, since recovery has not been made from the vehicle of petitioner, let him be released on bail, in the event of his arrest or surrender before the learned Court below within a period of six weeks from today, on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/Successor Court in connection with Kasba P.S. Case No.178/2019, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Anjani Kumar Sharan, J)

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