

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42535 of 2021

Arising Out of PS. Case No.-85 Year-2021 Thana- JALALGARH District- Purnia

MD. NIYAZ @ MD. NIYAJ ALAM Son of - Late Mumtaj Alam Resident of
village - Rahariya, Jhawari, P.S. - Jalalgarh, District - Purnea, State - Bihar.
... .. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Preety Kunwar, Adv.

For the Opposite Party/s : Mr.Syed Mojibur Rahman. APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 07-01-2022 The instant case has been taken up for consideration
through the mode of Video conferencing in view of the prevailing
situation on account of COVID 19 Pandemic, requiring social
distancing.

Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection
with Jalalgarh PS case no. 85 of 2021 instituted for the offences
punishable under Sections 272, 273 of Indian Penal Code, 30(a)
of Bihar Prohibition and Excise Act, 2016 and 21(a)/22(b) of
N.D.P.S. Act.

The allegation is regarding recovery of 30 bottles
of Codeine Phosphate & Chlorpheniramine Maleate syrup
containing 100 ml in each bottle from the house of the petitioner.

The learned counsel for the petitioner has



submitted that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 27.05.2021. The learned counsel for the petitioner has further submitted that meager quantity of cough syrup bottles have only been recovered from the house of the petitioner.

Per contra, the learned A.P.P. for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the period of incarceration of the petitioner herein, I deem it fit and proper to admit the petitioner to the privilege of bail. Accordingly, the abovenamed petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of Special Judge N.D.P.S. Act, Purnea in connection with Jalalgarh PS case no. 85 of 2021.

(Mohit Kumar Shah, J)

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