

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38799 of 2022

Arising Out of PS. Case No.-143 Year-2022 Thana- BALIYA District- Begusarai

Md. Aatif Iqbal @ Md. Aatif S/O Md. Alimuddin @ Md. Alim Resident of
Village- Chhoti Ballia, Upper tola, Ward No.07, P.S.- Ballia, District-
Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-09-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State

through virtual Court proceedings.

Let the defect(s), if any, be removed within a period

of four weeks from today.

The petitioner seeks bail in connection with Baliya

P.S. Case No. 143 of 2022 registered for the offence under

Sections 08, 20, 21, 22 and 25 of the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in

custody since 30.05.2022.

The allegation against the petitioner is to have in

possession of 200ml cough syrup without mentioning any

composition, as per seizure list and further to have in possession



of unexplained cash of Rs. 13,790/- Indian currency and also of one five rupees note and two one rupee note of Katar Central Bank.

Learned counsel appearing on behalf of the petitioner submitted that the present case is not appears to be related with any provisions of N.D.P.S. Act, for simple reason that the recovered material is only cough syrup, without specifying any composition, which may reflect any of its substances, which may be taken as contraband, as per N.D.P.S. Act. It is also submitted that cash of Rs. 13,790/- belongs to petitioner and also of currency of Katar Central Bank for the reason that petitioner was employed in year 2019 in Katar and, as such, having such currency is very natural. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent, where seizure list appears doubtful for the reason that same is supported by home-guard personnels, not by independent witnesses and moreover, investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded that recovered material is only 200ml of cough syrup, without specifying any composition, from the possession of this



petitioner, as per seizure list.

Considering the facts and circumstances as mentioned above, as recovered material is only cough syrup, without specifying any composition, where seizure list appears disputed on its face, as same is not supported by independent witnesses coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be released on bail in connection with Baliya P.S. Case No. 143 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Begusarai/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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