

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38965 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- ARARIA District- Araria

SAHJJAD Son of Md. Yunus Resident of Village - Mainpur, Ward No.13,
P.S.- Baigachhi (OP), Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar Agrawal, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 02-09-2022 Heard learned counsel for the petitioner and learned
APP for the State through virtual court proceeding.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Araria (Baigachhi) P.S. Case No. 243 of 2022 registered for the alleged offences under Sections 272 and 273 Indian Penal Code and Sections 21(a) and 21(b) and 21(c) of N.D.P.S. Act and Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

As per prosecution case, the police received secret information about the petitioner storing intoxicating drugs in his



house for selling the same. A raid was conducted on the house of the petitioner. A number of vehicles were parked outside of the house and two four-wheelers and one Splendor motorcycle were intercepted when its incumbent tried to flee away from the place. The petitioner is one of the apprehended persons. From the vehicles, total 501 litres of codeine containing cough syrup was recovered.

Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. Nothing incriminating has been recovered from the possession of this petitioner. The recovery has been shown from the vehicles parked outside the house of the petitioner but none of the vehicles belong to this petitioner or his family members. There is no chemical report to show that allegedly recovered syrup was any narcotic and psychotropic substance. There is violation of Sections 42, 57 and 50 of N.D.P.S. Act in this case. Learned counsel further submits that the cough syrup would not come under any of the Narcotic Drugs and Psychotropic Substances and the same has not been notified in the order issued under NDPS Act. It is also not clear from which of the vehicles, the petitioner was apprehended. He is in custody since 23.03.2022. Charge sheet has been submitted and the petitioner



is having clean antecedent.

Learned APP for the State opposes the prayer for bail of the petitioner.

Having regard to the submission made on behalf of the parties and considering the fact that from the F.I.R., it is not clear what is the quantity of codeine seized in the recovered drugs and from whom it was recovered and further considering submission of charge sheet and clean antecedent of petitioner along with his period of the custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 243 of 2022, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the



terms of the bail, the bail bond of the
petitioner will be liable to be cancelled
by the court concerned.

(Arun Kumar Jha, J)

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