

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46190 of 2022

Arising Out of PS. Case No.-532 Year-2022 Thana- FORBESGANJ District- Araria

MD. SHAKIL @ MD. SAKIL S/O RAFIK @ ABDUL RAFIK Resident of
village- Hariya Bara, Ward No- 07, Haria, P.S and District- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Choubey, Advocate

For the Opposite Party/s : Ms.Anita Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 16-12-2022 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with Forbesganj PS case no. 532 of 2022 instituted for the offences punishable under Sections 379, 414, 420/34 of Indian Penal Code and Section 21(c) of N.D.P.S. Act.

The case of the prosecution in brief is that the vehicle in question was intercepted by the police and huge quantity of prohibited codeine containing cough syrup (about 128 liters) and Nitravet tablets, apart from cash amount was recovered.

The learned counsel for the petitioner submits that the petitioner is innocent, has been falsely implicated in the present case, is having a clean antecedent and is languishing in custody since 21.05.2022. The learned counsel for the petitioner



has submitted, by referring to paragraphs no. 7 to 9 of the present petition, that the petitioner was only a co-passenger in the vehicle in question and has got nothing to do either with the seized vehicle or with the seized articles. It is further submitted that the petitioner was not having any knowledge that the vehicle in question was carrying the said cough syrup. It is also submitted that the petitioner had taken lift in the said vehicle and was only a passenger. Lastly, it is submitted that co-accused persons have already been granted bail by co-ordinate Benches of this Court vide order dated 24.11.2022, passed in Cr. Misc. no. 43059 of 2022, vide order dated 23.09.2022, passed in Cr. Misc. no. 38163 of 2022 and vide order dated 09.12.2022, passed in Cr. Misc. no. 50116 of 2022.

Per contra, the learned APP 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 parity of the case of the petitioner with that of the co-accused persons, who have already been granted bail by co-ordinate Benches of this Court, apart from the fact that the petitioner has categorically stated in paragraphs no. 7 and 9 of the present petition that he is neither the owner nor the driver of the vehicle in question and he has got nothing to do



with the cough syrup loaded in the vehicle, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

Accordingly, the abovenamed petitioner is directed to be released on regular 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 Special Judge, N.D.P.S. in connection with Forbesganj PS case no. 532 of 2022.

(Mohit Kumar Shah, J)

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