

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46356 of 2022

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

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Nayeem Ansari @ Naim S/o Late Abbas Ansari Resident of Village- Momin
Tola Bairgachhi, P.S. and District- Araria.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 11-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual mode.

The petitioner seeks regular bail in connection with
Araria (Bairgachhi) P.S. Case No. 243 of 2022 corresponding to
Special Case No. 09 of 2022 lodged under Sections 272, 273 of
the I.P.C. read with Section 30(a) of the Bihar Prohibition and
Excise Act and Sections 21(a), 21(b), 21(c) of the N.D.P.S. Act.

As per the prosecution case, total recovery of 501
litres of cough syrup is the subject matter of this case in which
15 named persons were made accused including the present
petitioner.

Learned counsel for the petitioner submits that

petitioner is innocent and has committed no offence. He further submits that there were 15 named persons were made accused in this case, out of 15, 2 persons were apprehended and on their confessional statement, the rest accused persons were made accused including the present petitioner. Counsel further submits that antecedent of the petitioner is clean and he is in custody since 14.04.2022.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the petitioner submits that the cough syrup is not the excise material rather its content that is codeine, it shall be only 5.1 gm of the N.D.P.S. material has been recovered which is above than small but less than commercial quantity.

Counsel for the petitioner further submits that the said recovery was made from the house of Md. Sahjad and the Co-ordinate Bench of this Court has pleased to grant bail to Md. Sahjad vide order dated 02.09.2022 passed in Cr. Misc. No. 38965 of 2022.

In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to

the satisfaction of learned Sessions Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 243 of 2022, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall be resulted into cancellation of his bail bond.

B. One of the bailors shall be close relative who shall file affidavit before the court about his relationship with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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