

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48120 of 2022

Arising Out of PS. Case No.-124 Year-2021 Thana- SINGHESHWAR District- Madhepura

Md. Razi Ahmad Son of Md. Nazir Alam R/V- Jhiktiya, Ward no. 4, PS-
Singheshwar, Dist- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Uday Chand Prasad

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 09-11-2022 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with NDPS
Case No. 11 of 2021, Singheshwar Police Station Case No.
124 of 2021, registered for the offences punishable under
Sections 8 (C)/21(C)/ 22(c)/23/24/25/27(A)/29 NDPS Act
and Section 30 (a) of Bihar Prohibition and Excise Act,
2018.

As per allegation, 7 bottles of cough syrup of 100
ml. each containing Codeine was recovered from a
motorcycle standing near the tea shop of Md. Saddam.

The Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that the entire allegations levelled against him are false and concocted. He also submits that the petitioner was neither arrested at the place of occurrence nor any incriminating articles were recovered from his conscious possession. He also submits that the motorcycle from which the syrup has been recovered does not belong the petitioner.

The petitioner has been languishing in jail since 20.05.2022.

It is also stated in paragraph no. 2 of the petition that the petitioner has not moved earlier before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the Ld. APP for the State vehemently opposes the prayer of the petitioner for bail.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /-



(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Additional Sessions Judge-1st, Madhepura, in connection with N.D.P.S Case No. 11 of 2021, Singheshwar Police Station Case No. 124 of 2021 on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has any criminal antecedent, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the



petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

The learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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