

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48526 of 2022

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

Shivanand Tatma S/o Girjanand Tatma @ Giranand Tatma R/o village-
Haldiya Aourahi, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Raj Krishan Jha, Advocate
		Mr. Arvind Kumar Mouar, Advocate
For the Opposite Party/s :		Mr.Rana Randhir Singh,APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 15-10-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks.

In the present case, the petitioner seeks bail in
connection with Special Case No. 09 of 2022 arising out of
Araria (Bairgachhi) P.S. Case No. 243 of 2022 registered for
the alleged offences under Sections 272 and 273 of the Indian
Penal Code and Section 30(a) of the Bihar Prohibition and
Excise Act and Sections 21(a), 21(b) and 21(c) of the N.D.P.S
Act.

As per prosecution case, on secret information, a raid
was conducted on the house of co-accused Shahjad and from the



vehicles parked in his house, total 501 liters of cough syrup containing codeine was recovered. The petitioner is stated to be the driver of one of the vehicles and was apprehended after chase from the spot.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in this case and nothing incriminating has been recovered from his person or possession. Perusal of seizure list shows that cough syrup was recovered from the vehicles which was parked in the house of the co-accused Md. Shahjad. The petitioner is not the owner of the vehicle. He is merely a driver on daily wage. The statutory provisions have not been complied with while making the search and seizure. Charge sheet has been submitted in this case and the petitioner is in custody since 23.03.2022.

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

Having regard to the facts and circumstances and submission made on behalf of the parties and considering the fact that no material has brought on record to show the connection of this petitioner with the seized contraband except some vague allegation, 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 Sessions Judge, Araria in connection with Special Case No. 09 of 2022 arising out of 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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