

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50116 of 2022

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

1. MD. SHAYEQUE @ SHAYEK Son of Late Mahboob Alam R/V- Haldia Bokra, Ward no. 7, P.S- Simraha (Forbisganj), Dist- Araria
2. Md. Ejaj @ Ejaj Alam Son of Late Zafiruddin R/V- Haldia Bokra, Ward no. 7, P.S- Simraha (Forbisganj), Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Prasad, Senior Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 09-12-2022 Heard learned Senior Counsel for the petitioners
and Mr. Jitendra Kumar Singh, learned APP who represents the
State.

Let the defect(s), if any, as pointed out by the office
be removed within four weeks.

The petitioners are in judicial custody in connection
with Forbesganj P.S. Case No. 532 of 2022 for the offences
under Sections 379, 414, 420/34 of the Indian Penal Code and
Section 21© of NDPS Act.

As per the prosecution story, the police officer, Nirmal
Kumar Yadvendu has alleged in the FIR that upon information,
the vehicle in question was intercepted and huge quantity of



prohibited codeine containing cough syrup and Nitrovet tablets worth Rs. 10 lakh were seized. Accordingly, the police seized the materials and took the accused persons in custody.

Learned Senior Counsel submits that they had absolutely no concern with the materials that were part of the said vehicle and were passengers who had taken lift and and/or suffering by being in custody since 22.5.2022 (as stated in para-14 of the bail application). It is his further submission that the driver of the said vehicle, Md. Shaquib has since been released on bail vide Cr. Misc. No. 43059 of 2022 on 24.11.2022. His further submission is that another co-accused Rakesh has also been released on bail vide Cr. Misc. No. 38163 of 2022 vide an order dated 23.9.2022. Let the aforesaid order be kept on record.

It is his last submission that irrespective of the outcome of the present bail application, the petitioners intend to contribute to the Bihar State Legal Services Committee by paying a sum of Rs. 25,000/- and receipt of the same will be submitted before the concerned Court.

Let the petitioners be released on bail on furnishing bail bond of Rs. 25,000/- (Twenty Five Thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Araria, in connection with Forbesganj P.S. Case



No. 532 of 2022 subject to the following conditions :-

(i) one of the bailor should be the family member of the petitioners who shall provide official document to show their bona fide;

(ii) the petitioners shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the Trial Court itself;

(iii) the petitioners shall leave their district (Araria) for a period of one month after providing name and address and police station of their place of stay during the said period and they shall be duty bound to visit the police station (where they will stay) every week to mark attendance;

(iv) upon return to their district, they shall visit the concerned police station every fortnight for the next six months to mark attendance;

(v) the petitioners shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(vi) the petitioners shall desist from committing any criminal offence again, failing which the State shall be at liberty



to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is
allowed.

(Rajiv Roy, J)

Prakash/Ajay-

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