

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53298 of 2022

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

Md Saddam @ Saddam Son of Musha Resident of Village - Suryapur, P.s.-
and Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

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

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 25-11-2022 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 P.S. Case No. 243 of 2022 lodged under Sections 272,
273 of the I.P.C. and 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 liter
cough syrup is subject matter of the present case.

Learned counsel for the petitioner submits that
petitioner is innocent and has committed no offence. He further
submits that petitioner is in custody since 15.05.2022 having
one criminal case pending against him, in which he is on bail

and charge sheet has already been filed in this case. He also submits that from the seizure list it transpires that the said excise material has been recovered from the house of the accused namely Sahzad. Learned counsel submits that petitioner's name has been figured in this case by virtue of confessional statement of co-accused. He submits that petitioner's name has been dragged in this case and the said cough syrup was not recovered from petitioner's possession.

Learned counsel for the State opposes the prayer for bail.

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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