

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63793 of 2021**

Arising Out of PS. Case No.-449 Year-2021 Thana- JOKIHAT District- Araria

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IFTKHAR S/o- Mustaque Resident of Village- Hardar, P.S.- Jokihat, District-
Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Madhav Jha

For the Opposite Party/s : Mr.Indu Kumari Srivastava
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**CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER**

3 05-05-2022 Heard learned counsel appearing on behalf of the

petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Jokihat P.S. Case No. 449 of 2021 for the offence punishable
under Section 30(a) of the Bihar Prohibition and Excise Act.

The allegation is of recovery of 53 bottles of codeine
cough syrup each containing 100 ml. from the house of one co-
accused Mohid. Petitioner is named in the F.I.R.

Learned counsel appearing on behalf of the petitioner
submits that the petitioner is innocent and he has falsely been
implicated in this case. Nothing has been recovered from



conscious possession or house of the petitioner. He has no connection in any manner with the owner of the house from where the alleged codeine cough syrup was recovered. He further submits that the entire allegation made in the F.I.R. is not sustainable as no case is made out under Section 30(a) of the Bihar Prohibition and Excise Act. Petitioner has clean antecedent and is in custody since 13.09.2021.

Learned A.P.P. for the State has opposed the prayer for grant of bail to the petitioner.

Considering the aforementioned facts and circumstances of the case and period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of **Rs.25,000/- (Rupees twenty five thousand)** with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II cum Special Judge, Excise Act, Araria in connection with Jokihat P.S. Case No. 449 of 2021, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

(Purnendu Singh, J)

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