

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57796 of 2022

Arising Out of PS. Case No.-126 Year-2020 Thana- JALALGARH District- Purnia

Md Saddam, Son Of Md Ekram Ali, Resident Of Village- Dimia, P.S.-
Jalalgarh, District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr.Sanjay Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-11-2022 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

In the present case, the petitioner seeks bail in connection with Jalalgarh P.S. Case No. 126 of 2020, registered for the alleged offence under Sections 272, 273 of the Indian Penal Code, Section 21 (a) (b) of the N.D.P.S. Act and Section 30 (a) of the Bihar Prohibition and Excise Act.

As per prosecution case, three persons were seen coming on a motorcycle and they were carrying a plastic sack with them. Two co-accused persons were apprehended. The petitioner is stated to have fled away from the spot. Recovery of 75 bottles, 100 ml each, of syrup containing Codeine Phosphate was made from the sack.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case as he was not apprehended from the spot. Nothing incriminating has been recovered from his conscious possession. The petitioner has nothing to do with the allegedly recovered article. The co-accused persons have been granted bail by different Coordinate Benches of this Court vide orders dated 24.03.2021 and 09.12.2021 passed in Cr. Misc. Nos. 5212 of 2021 and 29680 of 2021, respectively. The petitioner is in custody since 20.06.2022 and charge sheet has been submitted.

The learned APP opposes the prayer for bail.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that the petitioner was not apprehended from the spot and no recovery has been shown from him and further considering the period of custody of the petitioner along with submission of charge sheet, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea, in connection with Suppl. Special Case No. 18 of 2020, arising out of Jalalgarh P.S. Case No. 126 of 2020, 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.

V.K.Pandey/-

(Arun Kumar Jha, J)

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