

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66815 of 2021**

Arising Out of PS. Case No.-304 Year-2021 Thana- KRITYANAND NAGAR District-
Purnia

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Md. Amin, Son of Md. Enuddin Resident of Village-Sadhveli Balu Tol @
Balu Tol Sadhveli, Police Station - Kasba, District - Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Prabhat, Adv.

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 13-05-2022 Heard learned counsel for the parties through
video conferencing in view of COVID-19.

Let the defect(s), if any, be removed within four
weeks.

The petitioner is in judicial custody in connection
with K. Nagar (Srinagar) P.S. Case No.304 of 2021
instituted under Sections 275 and 276 of the Indian Penal
Code, 30(a) of the Bihar Prohibition and Excise Act, 2016
and 21(b)(c) of the N.D.P.S. Act.

As per the prosecution story, in course of night
patrolling, the police reached Kadgama Chowk and saw one
person coming on a motorcycle with a yellow colour bag
tied to the said motorcycle. The said person upon seeing the
police tried to take a 'U' turn but was nabbed, the bag was



searched and 90 bottles of 100 M.L. Codeine Phosphate and Chlorpheniramine Maleate Syrup was recovered. As it is a banned syrup, document was asked which he failed to provide and accordingly the articles was seized and he was arrested and the FIR came to be instituted against him.

As per the learned counsel for the petitioner, he is a young boy of 19 years has no criminal antecedent and is in jail since 16.07.2021 and as such he may be considered for grant of bail. It has further been submitted that he is ready to abide by the terms and conditions imposed if bail is granted to him.

Taking into account that charge sheet stand submitted, he is in jail since 16.07.2021, is just 19 years old having a long future and has no criminal antecedent, this Court is inclined to grant him privilege of bail so that he may get the chance to reform himself. This is subject to the fact that he has no criminal antecedent. If it is found that he does have criminal antecedent (contrary to what has been stated in para-3), this bail order shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the



like amount each in connection with K. Nagar (Srinagar) P.S.
Case No.304 of 2021 to the satisfaction of learned Special
Judge, N.D.P.S. Act, Purnea, subject to following conditions:

(i) one of the bailor should be the family member of
the petitioner, who shall provide official document to show
his/her bona fide;

(ii) the petitioner shall appear on each and every date
before the Trial court and failure to do so for two consecutive
dates without plausible reasons will entail cancellation of his
bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned
police station every month for next six months to mark his
presence;

(iv) the petitioner shall desist from committing any
criminal offence again failing which the State shall be at liberty
to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail
application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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