

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11737 of 2023**

Arising Out of PS. Case No.-591 Year-2022 Thana- FORBESGANJ District- Araria

MD. WASIM @ MD. WASIM ALAM S/O MD. NAIYAR @ MD. NAYYAR
ALAM R/v- Bokada, Ward No. - 12, P.S.- Simraha, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 10-05-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner is in judicial custody in connection with Forbesganj P.S. Case No.591 of 2022 instituted under Section 21(C) of Narcotic Drug & Psychotropic Substance Act lodged on 08.06.2022 by the informant Nirmal Kumar Yadvendu.

As per the FIR, the informant along with police force performing night patrolling when Kare Paswan informed that one pickup van was parked near Deb Daba situated at N.H. 57, this raised suspicion that some illegal articles are being loaded on pick up. Upon this information, the informant alongwith



police force reached there at 04.30 a.m. and saw a pick up van bearing registration no. UP-53GT-1033 was parked there. The informant asked with driver of pick up van namely Praduman Prajapati who could not answer properly. Thereafter in the presence of two independent witnesses, the informant started search of Pick van and recovered 1488 liters Eskuf cough syrup. Accordingly seizure list has been prepared. During interrogation, the driver Praduman Prajapati disclosed that the name of owner of pick up van and goods as Rinku Sharma and the consignment was to be delivered to one Md. Wasim and Rajeev Thakur. Accordingly, the FIR.

It has been contended that although the nature of the case may look bad, the fact remains that there is nothing to implicate him in this case save and except the confessional statement of the accused Praduman. It has been submitted that he has absolutely no role to play in the matter and the consignment was not intended to be delivered to his place. The last submission is that Praduman @ Praduman Prajapati has since been released on bail by a co-ordinate bench vide Cr. Misc. No.379 of 2023 dated. 05-04-2023.

Learned APP opposes the prayer.

Taking into account the aforesaid fact that his name



has come in confessional statement accused Praduman who has since been released on bail, is in custody since 30.11.2022 the FIR having been lodged, ultimately he will have to face the music, this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs.25,000/-(Rupees Twenty Five Thousand) with two sureties of the like amount each in connection with Forbesganj P.S. Case No.591 of 2022 to the satisfaction of learned Exclusive District & Sessions Judge, Araria, 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 reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month till trial to mark attendance;

(iv) the petitioner 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;

(v) the petitioner 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.

(Rajiv Roy, J)

Prakash Narayan /
Sunil

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