

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22745 of 2023

Arising Out of PS. Case No.-95 Year-2023 Thana- MOUZA HIDPUR District- Bhagalpur

MD. AFAQUE ALI AHMAD son of Late Ali Ahmad R/o Village- Sahadat
Hussain Lane P.S- Tatarpur Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ram Prawesh Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 04-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 07.03.2023 in connection with Mojahidpur P.S. Case No. 95 of 2023, F.I.R. dated 06.03.2023 registered for the offence punishable under Sections 21(i)(a), 22 of the N.D.P.S. Act and Section 18C/27 of Drugs and Cosmetic Act.

3. The case relates to recovery of 08 bottles of cough syrup and 120 pieces of Pyeevon Spas Plus Tablets from the shop of the petitioner.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and as per allegation in



the FIR, the petitioner has without valid licence sold the drugs and without F.S.L. report the present false and fabricated case filed under the N.D.P.S. Act and it appears from the seizure list that altogether 08 bottles of cough syrup and 120 pieces of Pyeevon Spas Plus Tablets has been recovered from the shop of the petitioner and there is non-compliance of Section 100 of the Cr.P.C. and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 07.03.2023.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Bhagalpur in connection with Mojahidpur P.S. Case No. 95 of 2023, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.



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

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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