

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25631 of 2023

Arising Out of PS. Case No.-738 Year-2022 Thana- BIHPUR District- Bhagalpur

Salauddin @ Salam Uddin @ Md. Salauddin S/O- Late Siddique Miyan
Village- Narayanpur Ps- Bihpur (Bhawanipur) Dist- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amrendra Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-07-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 19.12.2022 in connection with Bihpur (Bhawanipur) P.S. Case No. 738 of 2022, corresponding to N.D.P.S. Case No.155 of 2022, F.I.R. dated 19.12.2022 for the offences punishable under Sections 276, 419, 420 of the Indian Penal Code and Section 21(c) of the N.D.P.S. Act.

3. Recovery is of total 63 bottles of Codeine rice Cough Syrup from the house of the petitioner.

4. Learned counsel for the petitioner submits that petitioner is innocent and he has falsely been implicated in the present case. He further submits that bare perusal of F.I.R. as well as seizure list that nothing has been recovered from the conscious possession or the house of the petitioner rather the



recovery has been from the outside of the house of the petitioner. He further submits that there is non-compliance with mandatory procedure prescribed for recovery under Section 100 of Cr.P.C. and without F.S.L. report the charge sheet has been submitted against the petitioner on 17.02.2023. He further submits that similarly situated, co-accused, namely, Md. Sarwar @ Md. Sarwar Ali and Md. Sarfaj @ Md. Sarfaraj Alam have been granted bail by a co-ordinate Bench of this Court vide order dated 23.05.2023 passed in Cr. Misc. No. 18566 of 2023. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 19.12.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that petitioner carries one criminal antecedent other than the present one.

6. Considering the aforesaid facts and circumstances, 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 the learned Sessions Judge, Bhagalpur in connection with Bihpur (Bhawanipur) P.S. Case No. 738 of 2022, corresponding to N.D.P.S. Case No.155



of 2022, subject to the following conditions:-

1. 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. 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.

3. 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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