

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27667 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

MD. SAHEB @ SAIFA S/o- MD. SAMSUDDIN Village- Banbhag P.S- K.
Nagar Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dr. Bidhu Ranjan, Advocate
For the Opposite Party/s : Mr.Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-07-2023 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
29.11.2022 in connection with K.Nagar P.S. Case No. 419 of
2022, F.I.R. dated 22.07.2022 registered for the offence
punishable under Sections 275 and 276 of IPC and Section 21(c)
of the NDPS Act.

3. As per prosecution case, on secret information
received, police party started searching the Asifa Tea shop and
there has been recovery of 14 pieces of bottle each containing
100 ml codeine phosphate Wirof syrup from the freezer of the
shop.

4. Learned counsel appearing for the petitioner



submits that the petitioner has falsely been implicated in the present case. Further submits that from bare perusal of the FIR it appears that altogether 14 pieces of bottle each containing 100 ml codeine phosphate Wirof syrup has been recovered from the Tea shop of the petitioner. Learned counsel for the petitioner submits that without any FSL Report, the petitioner has been implicated in the present false and fabricated cases and the co-accused person, namely, Md. Mojahid Alam @ Md. Mojahid has been granted bail by a Coordinate Bench of this Hon'ble Court vide order dated 03.07.2023 passed in Cr.Misc. No.36094 of 2023 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 29.11.2022.

5. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner on the ground that the petitioner carries four more cases other than the present one but fairly submits that out of four cases, the petitioner is on bail in three cases and rest one case is pending for consideration, as mentioned in para-3 of the bail petition.

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 Special Judge, NDPS Act, Purnea in connection with K.Nagar P.S. Case No. 419 of 2022,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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