

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.29386 of 2023**

Arising Out of PS. Case No.-555 Year-2022 Thana- RAXAUL District- East Champaran

1. NOOR ALAM SON OF NABI ALAM R/O VILLAGE- BHAWANIPUR,  
P.S.- DARPA, DISTRICT- EAST CHAMPARAN
2. SHAURITULLAH ALAM SON OF MUKHTAR ALAM R/O VILLAGE-  
PAKHANAIYA, P.S.- PALANWA, DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ram Adya Singh, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

3      24-07-2023                      Heard learned counsel for the petitioners and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
N.D.P.S. Case No. 103 of 2022 arising out of Raxaul P.S. Case  
No. 555 of 2022 registered for the offence under Sections  
21(b) of the N.D.P.S. Act.

Recovery is of 480 bottles of codeine Phosphate  
syrup.

Learned counsel appearing for the petitioners  
submits that the petitioners, who are of clean antecedent,  
are innocent and have falsely been implicated in this case. He  
further submits that on bare perusal of the F.I.R., it appears that



the altogether 480 pieces of codeine phosphate syrup have been recovered from the possession of the petitioners. He further submits that the police has submitted charge-sheet in this without F.S.L. report. He further submits that there is non-compliance of Section 42,50,52,55 and 57 of the N.D.P.S. Act. The petitioners are rotting in judicial custody since 21.11.2022.

Learned A.P.P. for the State on the basis of material available on record and the case diary vehemently opposed the prayer for bail of the petitioners.

Considering the facts and circumstances of the case, let the, above named, petitioners be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of learned 14<sup>th</sup> Additional Sessions Judge -cum- Special judge (NDPS), Motihari, East Champaran in connection with N.D.P.S. Case No. 103 of 2022 arising out of Raxaul P.S. Case No. 555 of 2022 with the following conditions:-

(1) Petitioners 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 their absence on two consecutive dates without



sufficient reason, their bail bond shall be canceled by the Court below.

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

And, further condition that the court below shall verify the criminal antecedent of the petitioners and in case at any stage, it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. 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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