

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31876 of 2023

Arising Out of PS. Case No.-285 Year-2022 Thana- NARPATGANJ District- Araria

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1. Md Jahangir Son Of Abujar @ Abujar Resident Of Village-Bela Tinkhambha Tola, Ward No.1, P.S-Narpatganj, District-Araria
 2. Md Badruddin Son Of Abujar @ Abujar Resident Of Village-Bela Tinkhambha Tola, Ward No.1, P.S-Narpatganj, District-Araria

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sharda Nand Mishra, Advocate
For the Opposite Party/s : Ms. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 23-05-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

The petitioners apprehend their arrest in a case registered for the offences punishable under Section 30(a) of the Bihar Excise Act.

Learned counsel for the petitioners submits that the petitioner no.1 has antecedent of one case and petitioner no.2 has antecedent of two cases and allegation is of recovery of 20 pieces of Corex syrup, 480 pieces of Proxivon capsule and one motorcycle from the house of petitioner no.1 and 15 pieces of Corex syrup and other medicines as mentioned in the FIR from the house of petitioner no.2 along with other articles.

Learned counsel for the petitioners submits that the petitioners were not arrested from the spot as such nothing was



recovered from their conscious possession, it is next submitted that syrup is a medicine and not a narcotic. It is further submitted that the alleged recovery is from a joint family house as such it cannot be alleged with certainty that it were the petitioners who had kept the syrup in the house or the syrup kept in the house was within their knowledge and the petitioners because of their antecedents came to be implicated in the present case.

Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners.

Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 20,000/- (Rupees Twenty Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Narpatganj (Basmatiya) P.S. Case No. 285 of 2022 subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

(Satyavrat Verma, J)

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