

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34394 of 2023

Arising Out of PS. Case No.-1216 Year-2022 Thana- FORBESGANJ District- Araria

MD. IFTIKAR @ ROMI RAJ @ IFTHIKHAR RAJA son of Late
Ishlamuddin Village- Kurni Mohalla (Near Alok Bharti School) Ps-
Farbisganj Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Advocate

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 26-07-2023 Heard Mr. N.K. Agarwal, learned Senior Counsel for
the petitioner and Mr. Jitendra Kumar Singh, learned APP for
the State.

The petitioner is apprehending his arrest in connection
with Spl. Case No. 42 of 2022 arising out of Forbesganj P.S.
Case No. 1216 of 2022 for the offence under Sections 419, 420,
467 and 468 of the I.P.C. and 21 (a) of N.D.P.S. Act lodged on
16.11.2022 by the informant, Rajesh Bharti.

As per the prosecution story, the Police upon
information that in the garb of medicines, drugs are being sold
by Roz Medical, the same was raided and two employees as
well as a lady was arrested and there was recovery of TP Cover
(6 pieces) liquid 2 ml. Fully filled wile, Meitout label (55



pieces), Buprenorphine Injection 2 ml (120 pieces), Diazepam Injection 2 ml. (49 pieces), two mobile phones and Rs. 2090/- and upon searching the lady, there was recovery of Pheniramine Maleate Injection 2 ml (99 pieces), Diazepam Injection, Diazepam 2 ml (51 pieces) without label fully filled liquid wile 2 ml (90 pieces). Accordingly, the F.I.R.

Learned Senior Counsel for the petitioner submits that the Roz Medical Hall was in the name of the petitioner's father, Late Ishlamuddin who died six years ago and thereafter, they never renewed the license and as such there is no question of the petitioner's association with the said shop.

Further, he has neither been apprehended from the place nor there is any recovery/seizure from his personal possession and three persons have already been taken in custody. In paragraph 12, it has further been narrated that the recovery/seizure had led to the F.I.R. cannot be maintainable as there is no complaint case.

Learned APP opposes the prayer stating that business of Roz Medical Hall was being run by the petitioner's family.

Taking into account the aforesaid submissions put forward by the learned Senior Counsel for the petitioner as also that the persons selling the alleged drug were already arrested



on the spot, case filed and ultimately he will have to face the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 25,000/- (Twenty-five thousand) with two sureties of like amount each to the satisfaction of learned District and Sessions Judge, Araria, in connection with Spl. Case No. 42 of 2022 arising out of Forbesganj P.S. Case No. 1216 of 2022 subject to the conditions as laid down under Section 438(2) of the Cr.P.C. subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;



(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

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