

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42073 of 2023

Arising Out of PS. Case No.-912 Year-2020 Thana- FORBESGANJ District- Araria

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UMAR @ UMA @ UMAR ALAM SON OF MEHIUDDIN RESIDENT OF
VILLAGE- PURWARI JHIRUWA, WARD NO. 06, PS- FORBESGANJ
(SIMRAHA), DISTRICT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anil Prasad Singh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 02-08-2023 Heard the parties.

The petitioner is apprehending his arrest in connection with Forbesganj (Simraha) P.S. Case No. 912 of 2020 for the offence under sections 30(a) of the Bihar Prohibition and Excise Act, 2016 lodged on 06.11.2020 by the informant, Shyam Kumar.

As per the prosecution story, the Police in course of checking, saw a pulsar motorcycle and scooty, trying to escape towards forest. As they tried to intercept them, they escaped leaving the vehicle and after there was recovery of 30 vials each vial containing 100 mls of Codeine Phosphate DIALEX -DC cough syrup and 20 vials each vial containing 100 mls of Codeing containing cough syrup. Accordingly, the F.I.R.



Learned counsel for the petitioner submits that he has no role to play in the matter and further, none of the two vehicles belong to him. Further, he do not have criminal antecedent.

Learned APP opposes the prayer.

Considering the aforesaid submissions put forward by the learned counsel for the petitioner as also the fact that the vehicles do not belong to him and do not have criminal antecedent, 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. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Exclusive Special Judge I, Araria, in connection with Forbesganj (Simraha) P.S. Case No. 912 of 2020 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(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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