

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45561 of 2023**

Arising Out of PS. Case No.-1149 Year-2022 Thana- FORBESGANJ District- Araria

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Md. Firoz Khan @ Firoz Alam @ Md. Firoz Alam Son of Md. Seraj Khan @
Md. Siraj R/o Village - Dholbazza, P.S.- Forbesganj, District - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Md. Harun Quareshi, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

- 2 04-08-2023 1. Heard the learned counsel for the petitioner and learned APP for the State.
2. This is an application for grant of anticipatory bail in connection with Special Case No.38 of 2022, arising out of Forbesganj P.S. Case No.1149 of 2022), registered for offence under Sections 147, 148, 323, 337, 353, 307 of the Indian Penal Code and Section 21(b) of the NDPS Act.
3. The allegation is regarding recovery of 16 litres of Codeine cough syrup from the co-accused person, namely, Firoj on the alleged date



and time of occurrence, when the informant along with his police force had conducted a raid in his house. It is further alleged that local chaukidar had disclosed the name of the miscreants having complicity in the matter, including that of the petitioner herein.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the present case. The learned counsel for the petitioner has further submitted that the petitioner is an accused in three other cases, but he is on bail in the said three cases. The learned counsel for the petitioner has also submitted that neither codeine cough syrup has been recovered from the conscious possession of the petitioner nor from his house, hence the petitioner is not having any complicity in the alleged offence.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer for bail.

6. Having regard to the facts and circumstances of the case, considering the



submissions made by the learned counsel for the parties and taking into account the materials available on record as also considering the fact that neither codeine cough syrup has been recovered from the consciousness possession of the petitioner nor he has been arrested from the spot, whereas on the contrary, codeine cough syrup has been recovered from the house of co-accused person, namely, Firoz, I deem it fit and proper to admit the petitioner to the privilege of anticipatory bail.

7. Accordingly, the above named petitioner is directed to be enlarged on anticipatory bail, in the event of his arrest or surrender before the court below, within a period of four weeks from the date of receipt/production of a copy of this order, on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Araria in connection with Special Case No.38 of 2022, arising out of Forbesganj P.S. Case No.1149 of 2022), subject to the conditions as laid down



under Section 438(2) of the Code of Criminal
Procedure.

(Mohit Kumar Shah, J)

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