

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54117 of 2023

Arising Out of PS. Case No.-84 Year-2019 Thana- JOGBANI District- Araria

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Anzaar Son Of Abdul Samad @ Samad R/O-Rampur South Ward No. 01,
P.S.-Forbesganj, Distt.-araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar Rana, Adv.

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 20-09-2023 Heard Mr. Mukesh Kumar Rana, learned counsel

appearing on behalf of the petitioner and learned Additional

Public Prosecutor for the State.

2. The petitioner apprehends his arrest in connection
with Jogbani P.S. Case No. 84 of 2019, corresponding to Special
Case No. 9 of 2019, registered for the offences punishable under
Sections 21, 22 of the N.D.P.S. Act and Sections 27(b), 28 read
with section 36 of the Drugs and Cosmetics Act.

3. Allegedly the police, on receipt of confidential
information, raided the house of co-accused Amit Kumar and in
course of search total 5.36 litres Dialex DC cough syrup has
been recovered. It is further alleged that the apprehended co-
accused, Amit Kumar disclosed the name of his associates,
including the name of the petitioner.



4. Learned counsel appearing on behalf of the petitioner submits that save and except the disclosure made by co-accused, Amit Kumar there is no material suggesting the complicity of the petitioner in the crime. He further submits that even during the course of investigation no further material has come, that apart neither any incriminating material has been recovered from the whereabouts of the petitioner nor he has been identified by any person in course of fleeing away from the place of occurrence. He next submitted that subsequent to the lodging of the present case one another FIR has also been instituted bearing Jogbani P.S. Case No. 54 of 2021, that too on the basis of confessional statement wherein the petitioner is on bail. He next submits that the petitioner undertakes that he will fully cooperate in the investigation or in the proceeding of the court.

5. On the other hand, learned counsel for the State opposes the bail application and submits that the petitioner is carrying criminal antecedent.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the confessional statement, there is no other material against the petitioner, let the petitioner abovenamed be released



on 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, upon furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge, Araria in connection with Jogbani P.S. Case No. 84 of 2019, corresponding to Special Case No. 9 of 2019, subject to the conditions laid down in Section 438(2) Cr.P.C. with the further condition that one of the bailors shall be the own/close family members of the petitioner.

(Harish Kumar, J)

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