

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51816 of 2022

Arising Out of PS. Case No.-476 Year-2022 Thana- ARARIA District- Araria

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1. Sajid Alam Son Of Md. Samim
 2. Nasir Alam Son Of Md. Samim
- Both Are Resident Of Village- Gaiyari Ward No. 06, P.S.- Araria, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Priyesh Kumar, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 12-01-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners apprehend their arrest in connection with Special Case No.15 of 2022 arising out of Araria P.S. Case No.476 of 2022 instituted under Sections 21(C) of the NDPS Act.

As per the prosecution story, the police in course of patrolling and upon secret information that these petitioners have kept cough syrup in his house, reached the place when it is alleged that the accused fled away. Search was made in the presence of independent witnesses and altogether 4475 pieces of cough syrup, each containing 100 ml (totalling 447.5 liters) ESKUF Cough Syrup were recovered/seized and accordingly



FIR was lodged.

Learned counsel for the petitioners submit that the house belongs to one Saur Alam and he has tried to shift the blame on these two petitioners stating that the same was let out to them. Further, although the recovery/seizure is of huge quantity, a perusal of seizure list would show that save and except the signature of the independent witnesses and the police officials there is no signature of any person and /or the family member of the petitioners. The last submission is that they do not have criminal antecedent.

Learned APP on the other hand opposes the prayer for anticipatory bail pointing out to the recovery but concedes that the seizure list does not have any signature.

Taking into account the fact that the petitioners do not have criminal antecedent, the house belongs to one Saur Alam and there is nothing on record to show the petitioners tenancy in the said house, this Court is inclined to grant them relief with conditions that the petitioners shall be visiting the concerned police station for next one year every fortnight to mark their attendance.

Let the petitioners be released on bail, in the event of their arrest or surrender before the Sub-ordinate court within a



period of four weeks from the receipt of this order, on furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) each with two sureties of the like amount each in connection with Special Case No.15 of 2022 arising out of Araria P.S. Case No.476 of 2022 to the satisfaction of learned Special Judge, NDPS, Araria, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(Rajiv Roy, J)

Prakash Narayan /-

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