

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54700 of 2023

Arising Out of PS. Case No.-401 Year-2022 Thana- RAXAUL District- East Champaran

IQBAL @ MD. IQBAL AALAM son of Md. Maksud Aalam @ Maksud Alam village- Bahadurpur Gamhariya Kala, Ward No-10, Ps- Darpa Dist- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Asif Kalim, Advocate
For the Opposite Party/s	:	Mr.Tarun Prasad Mandal, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

2 23-08-2023 Heard Mr. Asif Kalim, learned counsel appearing on behalf of the petitioner and Mr. Tarun Prasad Mandal, learned A.P.P. for the State.

2. The petitioner apprehends his arrest in connection with Raxaul P.S. Case No. 401 of 2022, registered under Section 21(b) of the NDPS Act.

3. The prosecution case, in brief, is that huge quantity of prohibited drugs of different commercial names, containing certain quantity of methyl morphine, have been recovered from the house of co-accused Rambharosh Prasad.

4. Learned counsel appearing on behalf of the petitioner submitted that Police officer was not authorized to conduct raid and lodge F.I.R. for the offences mentioned under chapter IV of the Drugs and Cosmetics Act. He further submits



that petitioner is not named in the F.I.R. and the alleged recovery has been made from the house of co-accused Rambharosh Prasad. The specific allegation against the petitioner is that he had made certain phone calls to him being neighbour. The petitioner is not involved in selling of any prohibited items. He further submitted that nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner has clean antecedent. He further submitted that similarly situated co-accused namely Jitendra @ Jitendra Prasad @ Jitendra Kumar has already been granted pre-arrest bail by a co-ordinate Bench of this Court on 16.05.2023 passed in Criminal Miscellaneous No. 11167 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of pre-arrest bail to the petitioner.

6. Considering the nature of allegation and the material available on the record and the fact that the other co-accused has already been released on pre-arrest bail, let the above named petitioner, be released on bail, in the event of his arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount



each to the satisfaction of learned Special Judge-cum-1st Additional Sessions Judge, East Champaran at Motihari in connection with Raxaul P.S. Case No. 401 of 2022 (NDPS Case No. 102/2022), subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Purnendu Singh, J)

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