

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57771 of 2022

Arising Out of PS. Case No.-297 Year-2021 Thana- PURNEA SADAR District- Purnia

MD. MOIN Son of Late Md. Taslim Resident of Village - Dagarua, P.s.-
Dagarua, Distt.- Purnea.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nafisuzzoha

For the Opposite Party/s : Mr. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY

ORAL ORDER

8 12-04-2023 Heard learned counsel for the petitioner as well as
the learned APP for the State.

The petitioner apprehend his arrest in connection with Purnea Sadar P.S. Case No. 297 of 2021, registered for the offenses punishable under Sections 274, 275, 276 of the Indian Penal Code, 27 (b) II/ 28/27 (D) Drugs and Cosmetic Act, 21 (c) N.D.P.S. Act 1940, 30 (a) Bihar Prohibition & Excise Act 2016.

The learned counsel for the petitioner has submitted that earlier the anticipatory bail petition of the petitioner was rejected by this court on 18.07.2022 in Cr. Misc. No. 57208 of 2021, on the ground of maintainability. The merit was not touched in that order. The petitioner filed SLP (Crl.) No. 7664 of



2022 before Hon'ble Supreme Court and vide order dated 05.09.2022, the Hon'ble Supreme Court passed a direction to hear the matter on merits.

As per allegation, the codeine cough syrup including the representative samples were recovered from the godown of co-accused Rabindra Prasad Sah and petitioner is stated to be manager of the godown.

The learned counsel for the petitioner has submitted that co-accused Rabindra Prasad Sah is owner of the godown. He has also submitted that the petitioner is also license holder of another medical shop as Rahat Medical Pharmacy and nothing was recovered from the premises of his shop. It is wrongly been mentioned that the petitioner is Manager of the godown wherefrom from the cough syrup were recovered.

The xerox copy of license of Rahat Medical has been annexed in annexure 3, which shows that the petitioner is license holder of that medical shop. Nothing was recovered from his possession nor from his shop.

Considering the above-mentioned facts and circumstances, let the petitioner, in the event of his arrest or surrender within four weeks before the learned court below, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten



Thousand) with two sureties of the like amount each to the satisfaction of learned District & Sessions Judge cum Special Judge, Purnea in connection with Purnea Sadar P.S. Case No. 297 of 2021, subject to the conditions as laid down under Section 438(2) Cr.P.C.

(Nawneet Kumar Pandey, J)

Sudha/Sonali

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