

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59283 of 2023

Arising Out of PS. Case No.-419 Year-2022 Thana- KRITYANAND NAGAR District-
Purnia

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MD. TAUSIF @ MOHAMMAD TOSIF ALAM @ MD. TAUSIQ SON OF
MD. MATIQ @ MOHAMMAD MATIQUE RESIDENT OF VILLAGE-
WARD NO. 6, LALGANJ, PS- MARANGA, DISTT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Preety Kunwar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 05-09-2023 Heard the parties.

2. The petitioner is in judicial custody in connection with K. Nagar P.S. Case No. 419 of 2022 (Spl. N.D.P.S. Case No. 10/2023) for the offence under sections 275, 276 of the Indian Penal Code and section 21 (c) of the NDPS Act lodged on 22.7.2022 by the informant, Vikash Kumar Azad.

3. As per the prosecution story, the police raided a Asifa Tea Shop, some persons sitting escaped and on search, 14 bottles of Codeine Phosphate & Chlorpheniramine Maleate wirof syrup, each containing 100 ml recovered from the freezer of the shop. This followed the FIR.

4. It is the case of the petitioner that two persons were arrested who gave the name of this petitioner. Further, nothing



has been recovered from his conscious possession nor he is owner or the employee of the Asifa Tea Shop and is in custody since 29.11.2022. Further, co-accused Md. Mojahid Alam and Md. Saheb have been granted bail in Cr. Misc. No. 36094 of 2023 and Cr. Misc. No. 27667 of 2023 respectively (Annexure-P/2 series).

5. Learned APP opposes the prayer stating that he has criminal cases.

6. Taking into account the submission put forward by the parties, he has not been arrested from the spot nor is the owner of the Asifa Tea Shop, co-accused have been granted bail, as stated above and is in custody since 29.11.2022 (para-6 of the petition), this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Special Judge, N.D.P.S. Act, Purnea or successor court, in connection with K. Nagar P.S. Case No. 419 of 2022 (Spl. N.D.P.S. Case No. 10/2023) subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his



bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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