

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63345 of 2022**

Arising Out of PS. Case No.-139 Year-2022 Thana- MURLIGANJ District- Madhepura

1. MD. RAFIK @ MD RAFIK ALAM @ RAFIK ALAM Son of Md. Noor Alam @ Noor Alam Resident of village - Bhandsar @ Bhandsar Milik, P.S.- Bhawanipur, Dist.- Purnea.
2. Md. Nafish @ Md Nafish Alam Son of Md. Noor Alam @ Noor Alam Resident of village - Bhandsar @ Bhandsar Milik, P.S.- Bhawanipur, Dist.- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajnish Kumar Singh, Advocate.

For the Opposite Party/s : Mr. Braj Kishore Prasad, APP.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 09-02-2023 Learned counsel for the petitioners is permitted to remove the defect(s), as pointed out by the office, if any, within a period of three weeks from today.

Heard learned counsel for the petitioners and learned
Additional Public Prosecutor for the State.

The petitioners are apprehending their arrest in
connection with Murliganj P. S. Case No. 139 of 2022 registered



for the offences punishable under Sections 18, 20 and 22 of the Narcotic Drugs and Psychotropic Substances Act and Section 30 (a)(c) of the Bihar Prohibition and Excise Act.

As per the prosecution case, the police got an informant that 3-4 persons were admitted in Madhepura Medical Collage after taking spurious liquor. Thereafter, the police conducted a raid in the house of co-accused Abhishek Kumar and on search, 350 gram ganja along with some bottle caps and wrappers of the liquor was recovered. Thereafter, the police reached the second house of the co-accused Abhishek Kumar and from where co-accused persons Pandav Kumar, Mannu Kumar and Om Praksh were apprehended and 250 gram ganja was also recovered from the said house. Further, the police raided the house of co-accused Vijay Mandal and apprehended him and on search, 200 gram ganja and 1.440 litre liquor was recovered. Further two persons, namely, Guddu Poddar and Pintu Poddar were apprehended, who were coming on two motorcycles and 200 gram ganja was recovered from their motorcycles. Further on the disclosure of the co-accused Vijay Mandal, the police raided the grand-mother's house of co-accused Aman Kumar and from there 200 gram ganja and 17 pieces of empty liquor were recovered from the said house. It is



further alleged that on enquiry the co-accused Abhishek Kumar, Vijay Mandal @ Bijjo and Guddu Poddar disclosed the names of the petitioners as the petitioners are engaged in illegal drug trade.

Learned counsel for the petitioners has submitted that the petitioners have falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioners. The name of the petitioners has sprung up in this case on the basis of confessional statement of the co-accused. The petitioners have neither any concern with the co-accused persons nor with the alleged recovery. Learned counsel further submits that no case is made out against the petitioners. The petitioners have no criminal antecedent as stated in para 3 of the bail petition.

Learned A.P.P. for the State has vehemently opposed the prayer of anticipatory bail petition of the petitioners.

Considering the aforesaid facts and circumstances, let the above named petitioners, in the event of their arrest/surrender within a period of six weeks from today, be enlarged on bail on furnishing bail-bond of Rs. 20,000/- (Rupees twenty thousand) each with two sureties of the like amount each to the satisfaction of the learned Court concerned, Madhepura in



connection with Murliganj P. S. Case No. 139 of 2022, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure.

The application stands allowed.

(Chandra Prakash Singh, J)

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