

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60469 of 2023

Arising Out of PS. Case No.-213 Year-2023 Thana- SINGHESHWAR District- Madhepura

1. MD. AFROJ @ CHINTU S/O MD. ABDUL SAMAD @ KHOKHA R/O VILLAGE- LAL PATTI (LALPATTI), WARD NO.-02, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
2. MD. IRSHAD S/O MD. ABDUL SAMAD @ KHOKHA R/O VILLAGE- LAL PATTI (LALPATTI), WARD NO.-02, P.S- SINGHESHWAR, DISTT.- MADHEPURA.
3. PAPPU KUMAR S/O ASHOK YADAV R/O VILLAGE- LAL PATTI (LALPATTI), WARD NO.-02, P.S- SINGHESHWAR, DISTT.- MADHEPURA.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumari Rashmi, Adv.
For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 12-10-2023 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State.

2. At the very outset, learned counsel for the petitioners seeks permission to withdraw this application with regard to petitioner no.3, who has been apprehended by the police, during pendency of this application.

3. Permission is granted.

4. This application with regard to petitioner no.3 is dismissed as withdrawn.

5. Now, it is being heard for consideration of bail on behalf



of petitioner nos.1 and 2.

6 Petitioners apprehend their arrest in connection with Singheshwar P.S. Case No.213/2023, registered for the offence punishable u/s 21(c) of the N.D.P.S. Act and Section 30(a) of Bihar Prohibition and Excise Act.

7. As per the prosecution case, from a Hero Glamour motorcycle, total 0.900 ml of foreign liquor and 1.5 litre of Viscef Syrup was recovered and it is alleged that petitioners fled away from the spot.

8. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have been falsely implicated in this case. No such occurrence, in the manner as alleged, has ever taken place. No contraband article has been recovered from the conscious physical possession of the petitioners. Only on suspicion, they have been made accused in this case. There is violation of section 100 of the Cr.P.C. Petitioner no.1 has one criminal antecedent and petitioner no.2 has no criminal antecedent.

9. Learned APP for the State opposed the prayer for bail by submitting that the recovery has been made from the motorcycle of the petitioner no.1.

10. Having regard to the facts and circumstances of the case



and considering that the case is under the N.D.P.S. Act, I am not inclined to enlarge the petitioner nos.1 and 2 on bail. The prayer for grant of anticipatory bail on their behalf is hereby rejected.

11. This application is accordingly dismissed.

12. However, petitioners are at liberty to surrender before the learned court below within a period of six weeks from today and seek regular bail and the learned Court below would pass order, preferably, on the same day, in accordance with law, considering this fact that no contraband article was recovered from the conscious physical possession of the petitioners.

(Anjani Kumar Sharan, J)

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