

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57714 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- ARARIA District- Araria

RAJA LEHRI @ MD RAJA ALAM Son of Awesh Lehri @ Uvesh Alam
Resident of Village- Araria Basti, P.S.- Araria (Bairagachhi O.P.) District-
Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 59906 of 2022

Arising Out of PS. Case No.-243 Year-2022 Thana- ARARIA District- Araria

IBRAR @ MD. IBRAR ALAM @ MD. IBRAR KHAN S/o Late Rahim
Khan R/v- Araria Basti, P.S.- Araria (Bairgachhi O.P), District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 57714 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Nagendra Prasad

(In CRIMINAL MISCELLANEOUS No. 59906 of 2022)

For the Petitioner/s : Mr. Mukesh Kumar Rana

For the Opposite Party/s : Mr. Shyameshwar Dayal

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 03-01-2023 Heard learned counsel for the petitioners and

learned APP for the State.

The petitioners seek bail in connection with Araria

(Bairgachhi) P.S. Case No. 243 of 2022 corresponding to

Special Case No. 09 of 2022, registered for the offences



punishable under Sections 272 and 273 of the Indian Penal Code, Section 30(a) of Bihar Prohibition and Excise Act, 2016 and Sections 21(a), 21(b) and 21(c) of the N.D.P.S. Act.

As per allegation, about 501 litres of Eskuf Codeine containing cough syrup was recovered from the accused persons.

The learned counsel for the petitioners submit that the petitioners are innocent and have falsely been implicated in this case. They further submit that the name of the petitioners have been transpired only on the basis of confessional statement of co-accused Md. Saddam and Shivanand Tatma. They also submit that the main accused, namely, Md. Saddam from whose possession the alleged contraband has recovered has already been enlarged on bail by a co-ordinate Bench of this Court vide order dated 25.11.2022 passed in Cr. Misc. No. 53298 of 2022. They further submit that other co-accused persons, namely, Shivanand Tatma and Nayeem Ansari have also been enlarged on bail vide orders dated 15.10.2022 and



11.11.2022 passed in Cr. Misc. No. 48526 of 2022 and 46356 of 2022 respectively.

They also submit that the petitioners have been languishing in jail since 23.08.2022 and 30.08.2022 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedent.

It is also stated in paragraph no. 2 of the bail petition that the petitioners have never moved before this Court for grant of anticipatory bail or regular bail.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail.

Considering the aforesaid facts and circumstances, the petitioners, above-named, are directed to be released on bail on their furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Ld. Sessions Judge, Araria in connection with Araria (Bairgachhi) P.S. Case No. 243 of 2022 corresponding to Special Case No. 09 of 2022 on the following conditions:



(i) The petitioners will make themselves available for interrogation by a police officer/court as and when required.

(ii) The petitioners will undertake that investigation/trial will not hamper on account of their absence or non-cooperation. They must be available to the police or the court whenever their presence is required.

(iii) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioners have any criminal antecedents, the learned court below shall cancel the bail bond of the petitioners after hearing them and getting satisfied that the petitioners have concealed their criminal antecedents despite their knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is



wrong, the learned court below shall cancel the bail bond of the petitioners.

The application stands allowed accordingly.

The learned counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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