

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66179 of 2023

Arising Out of PS. Case No.-287 Year-2023 Thana- BAISI District- Purnia

1. Md. Jahangir S/O Late Shabuddin R/O Village- Pahariya, P.S- Baisi, Distt.- Purnea.
2. Md. Jalal S/O Late Shabuddin R/O Village- Pahariya, P.S- Baisi, Distt.- Purnea.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mr. Vaishnavi Singh, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

2 08-11-2023 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend arrest in connection with
Baisi P.S. Case No. 287 of 2023 dated 04.07.2023, instituted for
the offence punishable under Sections 8 (C), 21 (C), 25 of the
Narcotic Drugs and Psychotropic Substance Act in short
N.D.P.S. Act.

3. The allegation is of recovery of 160.8 litres of
Codeine Phosphate and Chlorpheniramine Maleate Syrup Eskuf
(cough syrup) from the house of Shah Alam.

4. Learned counsel for the petitioners submits that the
petitioners are innocent and they have been falsely implicated in



this case. It is further submitted that nothing has been recovered either from the conscious possession of the petitioners or from the house of the petitioners. It is further submitted that the alleged recovery of cough syrup has been made from the house of Shah Alam whereas, the petitioners have been made accused in this case. Lastly, it has been submitted that the petitioner no. 1 has one criminal case against him and petitioner no. 2 has no criminal antecedents.

5. Learned A.P.P. has opposed the prayer for bail of the petitioner.

6. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, in the event of arrest / surrender of the petitioner within a period of six weeks from today, in connection with Baisi P.S. Case No. 287 of 2023, they shall be released on anticipatory bail upon furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Sessions Judge-cum-Special Judge, NDPS Act, Purnea, subject to condition as laid down under Section 438(2) of the Cr.P.C. as also to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court



and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

3. The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

4. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Khatim Reza, J)

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