

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74504 of 2023

Arising Out of PS. Case No.-718 Year-2023 Thana- ARARIA District- Araria

Khaja @ Ismail Son Of Ibrahim R/O Village- Gaiyari, P.S.- Araria, District-
Araria (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 74520 of 2023

Arising Out of PS. Case No.-718 Year-2023 Thana- ARARIA District- Araria

Asgar @ Asgar Ali S/O Bakarid Shah @ Shah Bakrid R/O Vill - Gaiyari,
Ward No. 13, P.S - Araria, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 74504 of 2023)

For the Petitioner/s : Mr.Aman Vishal

For the Opposite Party/s : Mr.Md. Mushtaque Alam

(In CRIMINAL MISCELLANEOUS No. 74520 of 2023)

For the Petitioner/s : Mr.Pawan Kumar Singh

For the Opposite Party/s : Mr.Murli Dhar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners have filed the instant application for
grant of regular bail in connection with Araria P.S. Case No. 718
of 2023 registered under sections 21(c) and 22(c) of the NDPS
Act.



Prosecution case relates to recovery of 124.8 liters of codeine ESKUF syrup from two different car altogether and petitioner No.2, namely, Asgar Ali apprehended on spot by the police whereas the petitioner No.1 fled from the place of occurrence.

Learned counsel for the petitioners submits that the petitioners are innocent and has committed no offence. They have falsely been implicated in this case. It is further submitted that nothing incriminating has been recovered from the conscious possession of the petitioners and they have no concern with the seized material. Moreover, they are languishing in judicial custody since 29.08.2023 and 24.07.2023 respectively.

The application for bail is opposed by learned APP for the State and submitted that the petitioner No.2, namely, Asgar Ali was arrested on spot with the said vehicle by the police where the recovery has been made.

The petitioner No. 2, namely, Asgar@ Asgar Ali is directed to deposit a sum of Rs. 10,000/- (Rs. Ten Thousand) in the District Legal Services Authority of the concerned District.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case



as well as the custody of the petitioners, the Court is inclined to enlarge the petitioners on bail. The above named petitioners are directed to be enlarged on bail in connection with Araria P.S. Case No. 718 of 2023 on each of them on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions cum the Special Judge, NDPS Act, Araria (Bihar).

The bail bonds of the petitioner No.2, namely, Asgar@ Asgar Ali shall be accepted by the learned lower Court below on showing the receipt of deposit of Rs. 10,000/- (Rs. Ten Thousand) by the petitioner in the account of concerned DLSA.

(Sunil Kumar Panwar, J)

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