

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76333 of 2023

Arising Out of PS. Case No.-731 Year-2022 Thana- ARARIA District- Araria

ABU KALAM @ ABUL KALAM, Son of Late Md. Ekram @ Md Ekhalak
@ Ekram R/o vill - Chhoti Lahtora, ward no. 06, P.S. - Araria, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Ziaul Quamar, Advocate

For the Opposite Party/s : Mr. Md. Iftekhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 29-11-2023 Heard Md. Ziaul Quamar, learned counsel appearing
on behalf of the petitioner and the learned APP for the State.

2. The petitioner is apprehending his arrest in connection with Araria P.S. Case No. 731 of 2022 registered for the offence punishable under Section 30 (a) of the Bihar Prohibition and Excise Act, 2016.

3. The police on a secret information, raided the house of the petitioner and in course of search, 2400 pieces of cough syrup, containing codeine were recovered. It is further alleged that a Toto vehicle was also seized, which was parked in front of the house of the petitioner, from where 1502 pieces of cough syrup, containing codeine, were recovered.

4. It is submitted on behalf of the petitioner that the alleged recovery has been made from a joint family house



where, apart from the petitioner, other family members and renters were also residing and ignoring this fact the present F.I.R. has been instituted against the petitioner on the disclosure made by the villagers. He further submits that the petitioner is a man of fair antecedent and he had never been found involved in such type of activity. Moreover, there is other infirmities in the search and seizure.

5. On the other hand, learned APP for the State opposes the bail application and submits that a huge quantity of cough syrup, containing codeine, have been recovered and the complicity of the petitioner cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the manner, in which the identification of the petitioner has been disclosed, apart from the recovery from a joint family house, coupled with the fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise-I, Araria in connection with Araria P.S. Case No. 731 of 2022, subject to



the condition as laid down under Section 438 (2) of the Cr.P.C.
with the further condition that one of the bailors shall be the
own/close relative of the petitioner.

(Harish Kumar, J)

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