

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4122 of 2024

Arising Out of PS. Case No.-463 Year-2023 Thana- JOKIHAT District- Araria

Alam @ Md. Alam SON OF QUDDUS @ MUMTAJ RESIDENT OF
VILLAGE- GOGRA WARD NO. 14, PS- JOKIHAT, DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mukesh Rana, Advocate

For the Opposite Party/s : Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 05-02-2024 Heard the parties.

2. The petitioner is an accused in connection with Jokihat P.S. Case No. 463 of 2023 registered for the offences under sections 21(b) and 21(C) of the N.D.P.S. Act lodged on 29.09.2023 by the informant, Awadhesh Kumar.

3. As per the prosecution story, upon secret information, the police raided the house of Md. Shamshad. He escaped while the petitioner was apprehended. Upon search, 318 litres cough syrup was recovered/seized. Subsequently, the house of Nooruddin was raided and 80 litres cough syrup recovered/seized. Accordingly, the FIR.

4. It is the case of the petitioner that recovery is from the house of Md. Shamshad and Nooruddin and as he was present there, on the sight of police tried to leave, arrested.



5. Learned APP for the State, on the other hand, opposes the prayer for bail.

6. Taking into account the submissions put forward by the parties as also that nothing has been recovered from his conscious possession, he is in custody since 30.09.2023 (as stated in paragraph 13 of the bail application) and do not have criminal antecedent, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Sessions cum the Special Judge, NDPS Act, Araria in connection with Jokihat P.S. Case No. 463 of 2023, subject to the following conditions:-

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every fortnight for next six months to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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