

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17096 of 2024

Arising Out of PS. Case No.-521 Year-2023 Thana- KISHANGANJ District- Kishanganj

1. Sabina Khatoon W/o Md. Abdul Salam @ Akhtar R/o ward no. 24, Malha Basti, P.S - Kishanganj, Distt - Kishanganj
2. Shiv Narayan Sahni S/o Lal Babu Sahni R/o ward no. 24, Malha Basti, P.S - Kishanganj, Distt - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Mritunjay Kumar, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA

ORAL ORDER

2 20-03-2024 1. Heard learned counsel for the petitioners and learned A.P.P. for the State.

2. The petitioners apprehend their arrest in connection with Kishanganj P.S. Case No. 521 of 2023, dated 19.12.2023 registered for the offences punishable under Sections 8(c), 21(b) and 29 of the NDPS Act.

3. Learned counsel for the petitioners submits that petitioners are persons with clean antecedent and have been falsely implicated in the present case being related to Md. Abdul Salam @ Akhtar. It is further submitted that petitioner no. 1 is wife of Md. Abdul Salam @ Akhtar and petitioner no. 2 is his son-in-law.

4. It is next submitted that the informant alleges that



while he was on patrolling duty and reached near the bus stand flyover when he saw a person selling egg, but on seeing the police he started fleeing but was apprehended and on asking the reason for fleeing away, he disclosed that he has smack in his possession, thereafter it is alleged that the accused persons including the petitioners came and started creating ruckus and the apprehended person fled away throwing his jacket which he was wearing. On inquiry, it was disclosed by the local people that his name was Md. Abdul Salam @ Akhtar. It is alleged that from the jacket which Md. Abdul Salam @ Akhtar had thrown was checked from which 220 sachets of smack was recovered along with Rs.21,257/- and on weighing the smack it was found that the same was 53.900 gram.

5. Learned counsel for the petitioners submits that from perusal of the allegation as alleged in the FIR, it would manifest that the thrust of the allegation is against Md. Abdul Salam @ Akhtar and the petitioners being the wife and son-in-law came to be implicated with a general and omnibus allegation that they along with accused persons created ruckus taking advantage of which Md. Abdul Salam @ Akhtar fled away. It is further submitted that it has also been alleged that it was disclosed by the people that the petitioners even deal in



smack. Learned counsel next submits that petitioners will not abscond rather will cooperate in the investigation.

6. Learned A.P.P. for the State opposes the prayer for anticipatory bail of the petitioners and submits that though it has been submitted that petitioner no. 2 is son-in-law of Md. Abdul Salam @ Akhtar but then the name of petitioner no. 2 is Shiv Naraya Sahni and it has not been stated with clarity that he is son-in-law of Md. Abdul Salam @ Akhtar in the anticipatory bail application.

7. Considering the submissions made by the learned counsel for the petitioners, the petitioners above-named, in the event of their arrest or surrender before the learned Court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) each with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/successor court in connection with Kishanganj P.S. Case No. 521 of 2023, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

8. However, the learned trial court before accepting the bail bonds of the petitioner no. 2 shall satisfy itself that petitioner no. 2 is son-in-law of Md. Abdul Salam @ Akhtar



based on any document which may be placed. In the event, if the learned trial court is not satisfied that petitioner no. 2 is son-in-law of Md. Abdul Salam @ Akhtar in that event the present anticipatory bail order shall not be given effect to after recording reasons.

(Satyavrat Verma, J)

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