

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29999 of 2024

Arising Out of PS. Case No.-553 Year-2023 Thana- FORBESGANJ District- Araria

Md. Islam @ Md. Islam Khalifa Son of Md. Tajuddin Resident of Referral Road, Ward No. 03, Rampur North, Police Station- Forbesganj, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 20-05-2024 Heard learned counsel for the petitioner and the State.

2. Petitioner apprehends arrest in a case registered for the offence punishable under sections 342 and 370(A) of the Indian Penal Code and under Sections 3(ii)(a)(b)/4/5/6/7/9 of the Immoral Traffic (Prevention) Act, 1956.

3. As per the prosecution case, on 18.06.2023 at about 17:15 PM, informant received secret information that at the house of all the F.I.R. named accused persons including this petitioner, business of immoral trafficking is going on and thereafter a raid was conducted at the house of co-accused in which two sealed packets of Manforce Sunny Edition Condom, Bajaj C.T. 100 motorcycle and one black coloured Realme



company mobile phone bearing Sim No. 9110162908 from the pocket of *Md. Jahangir* was found and seized, as well as five females and one male was found to be present who were taken into Judicial custody. Also, one packet of 6XE Fun Condom, was recovered from the house of Md. Islam (this petitioner), one blue coloured mobile phone bearing Sim No. 9608102608 from the pocket of co-accused *Bhuttan* is alleged to have been seized as well as one female named *Heena Khatoon* and two males namely *Md. Salmaan* and *Md. Bhuttan* were found and taken in judicial custody. It is further alleged that from the house of co-accused *Md. Naseem*, five pieces of Josh company condoms and a Royal Enfield Classic 350 Bullet bearing registration No. BR11BB8049 were seized. It is further alleged that one male and two females were found and taken in judicial custody. It is further alleged that all the accused are involved in immoral trafficking.

4. It is submitted on behalf of the petitioner that he has falsely been implicated in this case. As a matter of fact, petitioner has not committed any offence as alleged and no act of immoral trafficking has ever taken place at the house of the petitioner and a false case has been instituted at the behest of the police to rope in this petitioner and other co-accused. No



objectionable or incriminating article has been recovered from the house of the petitioner. From bare perusal of the FIR, it is also evident that only a packet condom and one blue coloured mobile phone bearing Sim No. 9608102608 from the pocket of co-accused *Bhuttan* has been recovered, and the same cannot be said to be the act of immoral trafficking. It is further submitted that the petitioner that the seized items are legal items of personal use and are widely used by public at large. It is next submitted that other co-accused persons arrested from his house, namely *Heena Khatoon, Md. Salman and Md. Bhuttan* are his neighbours, all are residents of the same Referral Road, Ward No. 3, Forbesganj which is evident even from the FIR and in fact they have good familiar relation with each other and they often keep visiting each other's homes. Petitioner claims clean antecedent.

5. Learned counsel for the State opposes the bail petition of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, in the event of arrest or surrender within six weeks from today, let the petitioner, as named above, be enlarged on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of the



learned Chief Judicial Magistrate , Araria in connection with Forbesganj P.S. case No. 553 of 2023 , subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure .

(Prabhat Kumar Singh, J)

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