

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24904 of 2024

Arising Out of PS. Case No.-546 Year-2023 Thana- JOKIHAT District- Araria

Abu Bakar @ Abu Bakar Siddique son of Md. Kamal Village- Kashibari
W.No- 2, Ps- Jokihat Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

with
CRIMINAL MISCELLANEOUS No. 25475 of 2024

Arising Out of PS. Case No.-546 Year-2023 Thana- JOKIHAT District- Araria

Abdul Barik @ Pappu @ Abdul Bari son of Md. Kamal Village- Kashibari
W.No-2, Jokihat Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :
(In CRIMINAL MISCELLANEOUS No. 24904 of 2024)
For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP
(In CRIMINAL MISCELLANEOUS No. 25475 of 2024)
For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 01-05-2024 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioners and the State.

2. The petitioners are apprehending their arrest in
connection with Jokihat P.S. Case No. 546 of 2023
corresponding to Special Case No. 114 of 2023 for the offence
under sections 21(C), 22(C) of the N.D.P.S. Act lodged on



03.12.2023 by the informant, Awadhesh Kumar.

3. As per the prosecution story, the police intercepted a pick-up van and recovered/seized 640 liters Eskuf cough syrup. The accused present there Md. Yusuf was arrested who disclosed the name of the two petitioners herein that it was being carried by their order. Accordingly, the FIR.

4. Learned counsel for the petitioners submit that a bare perusal of the FIR would show that the recovery/seizure is from Md. Yusuf and the calculation of 'Codeine' comes to 64 gm which is within range. In any case, the said recovery/seizure is not attributed to either of the two petitioners. However, he concedes that the second petitioner Abdul Barik has got criminal antecedent but this has come after lodging of the present case in which he is seeking anticipatory bail. So far as Abu Bakar is concerned, he do not have criminal antecedent.

5. Learned APP opposes the prayer stating that their name has come in the confessional statement of Md. Yusuf and he has alleged that it was being carried on the order of these two petitioners.

6. Taking into account the submissions put forward by the parties as also the fact that the recovery/seizure is from Md. Yusuf, the quantity of 'Codeine' as informed by learned counsel



for the petitioner not rebutted by the learned APP is 64 gm which is lesser than one kilogram envisaged in the act, this Court is inclined to extend them the privilege of anticipatory bail with conditions.

7. Let the petitioners be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Sessions Judge cum Special Judge NDPS Act, Araria, in connection with Jokihat P.S. Case No. 546 of 2023 corresponding to Special Case No. 114 of 2023 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

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

(ii) the petitioners 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 their bail bond by the Trial Court itself;

(iii) the petitioners shall appear before the concerned police station every fortnight for next six months to mark their



attendance;

(iv) the petitioners 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 the bail bonds;

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

(Rajiv Roy, J)

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