

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42358 of 2024

Arising Out of PS. Case No.-143 Year-2024 Thana- RANIGANJ District- Araria

Md. Aslam @ Piyara @ Mohammad Aslam @ Pyaare SON OF MD.
MUSTAK VILLAGE- HASANPUR, WARD NO. 05, PS- RANIGANJ,
DIST- ARARIA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rabindra Kumar Priyadarshi, Advocate
For the Opposite Party/s : Mr. Md. Iftekhhar Mahmood, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-07-2024 Heard Mr. Rabindra Kumar Priyadarshi, learned
Counsel for the petitioner and learned APP for the State.

2. The petitioner apprehends his arrest in connection with Raniganj P.S. Case No. 143 of 2024 for the offence registered under section 30(a) of the Bihar Prohibition and Excise Act lodged on 11.04.2024 by the informant, Surendra Kunwar.

3. As per the prosecution story, the informant alleged that on the basis of information, reached the Raniganj Bus Stand at the shop of the petitioner. Though, the accused managed to escape. Upon search, 3.3 litres codine cough syrup recovered/seized. Accordingly, the F.I.R.

4. Learned Counsel for the petitioner submits that



admittedly, the recovery is from an open place where the petitioner was not present and only because he has criminal antecedent, he has been implicated. Further, he is ready to co-operate in the investigation/diligently appear in trial.

5. Learned APP for the State, on the other hand, opposes the prayer for anticipatory bail submitting that the recovery/seizure is from his shop.

6. Taking into account the fact that nothing has been recovered from his conscious possession, it is from his shop which is an open place and the petitioner was not present, as undertaken, he will be diligently appearing in trial, this Court is inclined to extend him privilege of anticipatory bail.

7. Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise-I, Araria in connection with Raniganj P.S. Case No. 143 of 2024 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family members/relatives 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 the 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 the bail bonds.

(Rajiv Roy, J)

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