

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62883 of 2023

Arising Out of PS. Case No.-568 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Imran Hushain @ Imran Husain @ Imran Hussain Son of Sahabuddin Mandal
Resident of Village - Parnpur, P.S.- Rani Nagar, District - Murshidabad, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 63306 of 2023

Arising Out of PS. Case No.-568 Year-2021 Thana- MOHANIYA District- Kaimur (Bhabua)

Mursalim son of Jiyarul Ishlam Village- Rajad Padaw Ps- Rani Nagar Dist-
Murshidabad, West Bengal.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 62883 of 2023)

For the Petitioner/s : Mr. Jitesh Singh, Advocate

Mr. Zeeshan Khan, Advocate

For the State : Mr.Syed Ehteshamuddin, APP

(In CRIMINAL MISCELLANEOUS No. 63306 of 2023)

For the Petitioner/s : Mr. Jitesh Singh, Advocate

Mr. Zeeshan Khan, Advocate

For the State : Mr.Syed Ehteshamuddin, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 23-02-2024 Heard learned counsel for the petitioners and Mr.
Jharkhandi Upadhyay, learned APP for the State.

2. Learned counsel for the petitioners prays for and is
granted permission to correct the address of the petitioners
mentioned in the cause title of both the bail petitions.



3. Permission is accorded.

4. Mr. Jharkhandi Upadhyay, learned APP has filed a supplementary affidavit on behalf of the State and has submitted that the police is taking all steps for apprehension of the owner of the truck.

5. Initially, the case was registered under Section 30(a) of the Bihar Prohibition and Excise Act, 2016. After submission of charge-sheet, the Magistrate has taken cognizance under the Narcotic Drugs and Psychotropic Substances Act, 1985 also.

6. As per the prosecution case, the recovery is of 250 litres of cough syrup from the vehicle in question.

7. Learned counsel for the petitioners submits that the petitioners are innocent and have been falsely implicated in this case. Nothing has been recovered from the conscious possession of the petitioners. The petitioners were the driver of said vehicle and are in jail since 14.12.2021 having clean antecedent.

8. In these circumstances, these applications are allowed.

9. Let the petitioners, above named, be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each



with two sureties of the like amount each to the satisfaction of the learned Special Judge, Excise/concerned Court in connection with Mohania P.S. Case No. 568 of 2021, subject to the condition that the petitioners will co-operate in the trial.

10. Before releasing the petitioners on bail, the Magistrate will get the address of the petitioners verified through the Superintendent of Police, Murshidabad.

11. The petitioners will also mark attendance in Murshidabad Police Station, West Bengal on the first Sunday of each month. Any default in appearance at the Police Station would be result in cancellation of bail bonds of the petitioners.

12. Let a copy of this order be communicated to the Superintendent of Police, Murshidabad, West Bengal for its compliance through FAX or e-mail forthwith.

(Sandeep Kumar, J)

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