

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56513 of 2024

Arising Out of PS. Case No.-1 Year-2024 Thana- R S P.S. District- Araria

Manjar Alam @ Mohammad Manjer S/O Md. Mahood @ Md. Mahmood R/O
Village- Tharia Bakia Doria Sonapur, Ward No. 11, P.S- Simraha, Distt.-
Araria.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

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

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 23-09-2024 1. Heard learned Senior counsel for the petitioner Mr. Krishna Prasad Singh and learned A.P.P. for the State Mr. Chandra Bhushan Prasad.
2. The petitioner apprehends his arrest in a case registered for the offence punishable under Sections 21, 22, 23 of NDPS Act.
3. Learned Senior counsel for the petitioner submits that petitioner is a person with clean antecedent and the informant alleges that he received secret information that Md. Ehsan indulges in business of psychotropic substance, accordingly, the house of Md. Ehsan was raided along with an Executive Magistrate and Md. Ehsan was arrested who disclosed that Md. Sakil, Md. Abid and Manzer Alam run an



organized gang and deal in business of syrup and the leader of the gang is Md. Sakil and the petitioner, further 1000 bottles of codeine syrup of 100 ml each was recovered from the house, further 600 bottles of codeine of 100 ml was also recovered from an auto standing in front of the house of Md. Ehsan covered with straw.

4. The learned Senior counsel for the petitioner submits that petitioner was not arrested at the spot and nothing was recovered from his conscious possession and he came to be implicated based on confessional statement of Md. Ehsan in custody, which does not have any evidentiary value, when petitioner admittedly is a person with clean antecedent.

5. Learned A.P.P. for the State Mr. Chandra Bhushan Prasad vehemently opposes the prayer for anticipatory bail of the petitioner and submits that no doubt the name of the petitioner transpired in the confessional statement of apprehended accused but then the apprehended accused has disclosed that an organized gang is working and is dealing in business of syrup. It is also submitted that Codeine of late in absence of liquor is being used frequently by the young generation which is getting ruined. It is also submitted that the legislature after examining the harmful effect of Codeine,



included the same in the list of N.D.P.S. It is also submitted that investigation of the case is in its nascent stages and in the event, if the petitioner is granted the privilege of anticipatory bail, in that event, he may abscond, on which, the learned Senior counsel submits that petitioner will not abscond rather will co-operate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, in the event of his 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.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with RS P.S. Case No.1/2024, subject to the conditions as laid down under Section 438 (2) of the Cr.P.C.

7. Further, one of the bailors of the petitioner shall be his father, namely, Md. Mahood @ Md. Mahmood.

8. It is made clear that the petitioner will keep marking his attendance in the concerned police station in between 1-5 of every month commencing from October, 2024 till the charge sheet is not submitted. If the petitioner does not



mark his attendance in the concerned police station, in between the aforesaid dates in any month, before filing of charge sheet, the Investigating Officer of the case will will file an application before the learned trial court bringing to its notice that petitioner is violating the condition of the grant of anticipatory bail and the learned trial court shall be at liberty to cancel the bail bond of the petitioner.

9. It is also made clear that if charge sheet is submitted connecting the petitioner with the offence, in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned P.S. through the learned trial court.

(Satyavrat Verma, J)

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