

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69168 of 2024

Arising Out of PS. Case No.-197 Year-2024 Thana- HARLAKHI District- Madhubani

Md. Jafir @ Mohammad Jafir Son of Md. Badal Resident of Village -
Itaharwa, Police Station - Harlakhi, District - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhavesh Sah, Adv.

For the Opposite Party/s : Mr. Shyam Bihari Singh

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-10-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Harlakhi P.S. Case No.197 of 2024 for the offences punishable under Sections 20/22 of the NDPS Act and 30(a) of Bihar Prohibition and Excise Act lodged on 29.07.2024 by the informant, Hiralal Ram.

3. As per the prosecution story, the informant alleged that upon information that in the garb of grocery shop, the petitioner is selling contraband, it was raided and 15 bottles of Exiplon cough syrup (100 ml each) recovered/seized which followed the FIR.

4. Learned counsel for the petitioner submits that it has been seized from the counter which was left by some customer and in the process, he has been implicated. He has no



criminal antecedent and has remained in custody since 30.07.2024 (para-4 of the petition).

5. Learned APP opposes the prayer submitting that it has been recovered/seized from the shop.

6. Though there is recovery from the shop, the fact remains that it has been recovered/seized from the counter, he has remained in custody since 30.07.2024 and has got no criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Madhubani in connection with Harlakhi P.S. Case No.197 of 2024 (GR No. 52/2024) subject to the following conditions:

(i) one of the bailors should be the family member 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 month for next six months to mark his 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 his bail bonds.

(Rajiv Roy, J)

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