

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75572 of 2024

Arising Out of PS. Case No.-950 Year-2022 Thana- FORBESGANJ District- Araria

Ezaz @ Md. Ezaz @ Md. Ejaj @ Ejaj S/O Asfaque @ Asfak @ Isfaque R/O
Village- Laxmipur (Purandaha) Ward No. 03, Chand Tola, P.S- Simraha,
Distt.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dheeraj Kumar, Advocate

For the Opposite Party/s : Mr. Suresh Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

2 22-10-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in Forbesganj (Simraha)
P.S. Case No. 950 of 2022, instituted for the offences punishable
under Sections 30(a) and 38(1) of the Bihar Prohibition and
Excise Act.

3. The prosecution case, in short, is that, 102 liters
cough syrup was recovered from the house of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the
present case. No incriminating material has been recovered from
the conscious possession of the petitioner. The petitioner has got
no concern with the alleged recovery of liquor. Learned counsel



for the petitioner also submits that the said house does not belong to the petitioner, rather the said house is a joint family property where other family members also reside. It is further submitted that as per NDPS Act, 102 liter cough syrup contains 204 gm codeine and the alleged contraband is below the commercial quantity. The petitioner is in custody since 26.04.2024 and has got one criminal antecedent. There is no compliance of Section 100 of Cr.P.C.

5. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.

6. Considering the aforesaid facts and circumstances of the case and the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Forbesganj (Simraha) P.S. Case No. 950 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date



fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(Rudra Prakash Mishra, J)

Rajorshi/-

U		T	
---	--	---	--

