

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.85741 of 2023**

Arising Out of PS. Case No.-879 Year-2023 Thana- FORBESGANJ District- Araria

Md. Faiyaz @ Faiyaz S/o Md. Aarif resident of village - Sonapur Chakorwa,  
Ward No. - 15, p.s. - Narpatganj ( Bathnaha ), Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Baidya Nath Prasad

For the Opposite Party/s : Mr.Md. Matloob Rab

**CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR**  
**ORAL ORDER**

3      03-04-2024                      Heard learned counsel for the petitioner and learned  
APP for the State.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under section 21C of the N.D.P.S. Act.

3. As per FIR, the petitioner along with other co-accused persons was apprehended on the spot and from Maruti Car, 20 liters of cough syrup was recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. He has falsely been implicated in this case. Nothing incriminating article has been recovered from the conscious possession of the petitioner and also he has no concern with the seized article. It is further submitted from para-8 of this petition that petitioner was



going to the house of his relative for some necessary work but in absence of transport vehicle, he had taken lift from the driver of the car, namely, Sumit Kumar Jha who has already been granted bail by this Court vide order dated 07.12.2023 in Cr. Misc. No. 78936 of 2023. The provision of N.D.P.S. has not been followed in this case while preparing seizure list. A statement has been made in para-3 of this petition that the petitioner has got no criminal antecedent. Moreover, he is languishing in judicial custody since 18.09.2023.

5. Learned APP appearing for the state has opposed the prayer of regular bail.

6. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as custody of the petitioner, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Farbesganj P.S. Case No. 879 of 2023 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions cum the Special Judge N.D.P.S. Act, Araria.

**(Sunil Kumar Panwar, J)**

Shubham/-

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