

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85542 of 2023

Arising Out of PS. Case No.-500 Year-2023 Thana- ARARIA District- Araria

Rahim Son of Samim Resident of Village - Mirjabhag, Ward No. - 03, P.S.-
Araria, District - Araria (Bihar)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aman Vishal, Adv.

For the Opposite Party/s : Mr.Abhay Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

2 25-01-2024 Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of three weeks from today.

2. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

3. The petitioner is apprehending his arrest in a case in
connection with Araria P.S. Case No. 500 of 2023 dated
21.05.2023 for the offence/s punishable u/s 30(a) of the Bihar
Prohibition and Excise Act.

4. As per the prosecution case, total 6 litres of
Codeine mix Eskuf syrup containing in 60 bottles and Rs.
6000/- were recovered from the tea shop of the co-accused
Akbar who told that the said syrup was given by the petitioner



for sale.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in this case. No incriminating material has been recovered from the conscious possession of the petitioner. The recovery was made from the tea shop of the co-accused, Akbar. The petitioner has no concern with the alleged recovery. The name of the petitioner has transpired in the confessional statement of the co-accused Abdullah. The petitioner has two other criminal antecedents as stated in para 3 of the bail petition. Learned counsel has submitted that no case is made out against the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for anticipatory bail of the petitioner by submitting that the petitioner is the supplier of the said syrup. It is further submitted that the present case comes under the purview of the NDPS Act but the same was lodged under 30(a) of the Bihar Prohibition and Excise Act.

7. Considering the aforesaid facts and circumstances of the case as well as the material available on record, let the above named petitioner, in the event of his arrest/surrender within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail-bond of Rs. 20,000/-



(Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of the learned court concerned, Araria (Bihar) in connection with Araria P.S. Case No. 500 of 2023, subject to conditions as laid down under section 438(2) of the Code of Criminal Procedure, with further condition:-

(i) The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to be cancelled.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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