

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85341 of 2023

Arising Out of PS. Case No.-463 Year-2023 Thana- JOKIHAT District- Araria

1. Md. Shamshad Son of Md. Idris Alam R/o vill - Gogra, P.S. - Jokihat, Distt. - Araria
2. Md. Imtiyaz @ Imtiyaz Son of Late Islam R/o vill - Gogra, P.S. - Jokihat, Distt. - Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Rana, Adv.

For the Opposite Party/s : Mr.Ram Bilash Roy Raman, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners apprehend their arrest in Jokihat P.S.
Case No. 463 of 2023 registered for the offences punishable
under Sections 21(B), 21(C) of the N.D.P.S. Act.

3. Altogether 318 litres of Eskuf cough syrup was
recovered from the place of occurrence. Co-accused Alam
was apprehended and disclosed that the recovered syrup
belongs to the petitioners and also disclosed that the rest
consignment is kept in the house of one Nooruddin and
thereafter, in search of the house of co-accused Nooruddin,
total 80 litres Eskuf cough syrup has been recovered.



4. It is submitted by learned counsel for the petitioners that petitioners are quite innocent and have committed no offence. They have no concern either with the seized cough syrup or with the apprehended co-accused. No contraband article has been recovered from the house of the petitioners. They have been falsely implicated in this case due to ulterior motive. The allegation levelled against the petitioners is not specific rather general and omnibus in nature. The alleged Eskuf cough has been recovered from the house of co-accused Alam and Nooruddin. Petitioners were not apprehended on the spot. The name of the petitioners has been transpired in the present case merely on the basis of the confessional statement of the apprehended co-accused Alam. Petitioner no.1 has one criminal antecedent, whereas petitioner no.2 has five criminal antecedents as mentioned in para-3 of this application.

5. Learned APP for the State opposed the prayer for bail.

6. Considering the facts and circumstances of case as well as the nature of offence, I am not inclined to enlarge the petitioners on bail. The prayer for bail of the petitioners is hereby rejected.



7. However, if petitioners surrender before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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