

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18492 of 2025

Arising Out of PS. Case No.-435 Year-2024 Thana- ARARIA District- Araria

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Sadab Alam @ Md. Shadab Alam S/o Shaukat Alam @ Md. Shaukat @
Shaukat Hussain R/o Vill.- Sisauna, Ward no. 1, P.S.- Araria, Distt.- Araria
(Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

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

For the State : Mr. Syed Ehteshamuddin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 14-07-2025 Heard Mr. Aman Vishal, learned counsel for the

petitioner and Mr. Syed Ehteshamuddin, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Araria P.S. Case No. 435 of 2024, F.I.R. dated
13.08.2024 for the offences punishable under Section 21(a) of
the N.D.P.S. Act, 1985.

3. According to prosecution case, altogether 80
bottles of 100 ml each of Codeine rich Escuf cough syrup is said
to have been recovered from a hut.

4. Learned counsel for the petitioner submits that
petitioner is innocent and he has falsely been implicated in the
present case on the basis of disclosure made by the local



chowkidar. It appears from the FIR that altogether 80 bottles of 100 ml each of Codeine rich Escuf cough syrup is said to have been recovered from the hut in question. He further submits that the petitioner has no concern at all with the alleged recovery of the cough syrup. He further submits there is no embargo under Section 37 of the N.D.P.S. Act for grant of anticipatory bail to the petitioner.

5. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the recovered cough syrup is confirmed under the prescribed limit. He further submits that the petitioner carries one criminal antecedent of excise act other than the present one but fairly submits on the basis of paragraph 3 of the bail petition that the petitioner is on bail in the pending matter.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Principal District and Sessions Judge-cum-Special Judge, Araria (Bihar) in connection with Araria P.S. Case No. 435 of 2024,



subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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