

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32005 of 2025

Arising Out of PS. Case No.-15 Year-2025 Thana- JALALGARH District- Purnia

Md. Mukarram Son of Md. Taslim Resident of Ahilgaon, P.S.- Jalalgarh,
District - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar Agrawal, Adv.
For the State : Mr. Ajay Kumar Jha

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

2 21-05-2025 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the state.

2. The petitioner seeks bail in connection with Jalalgarh P.S. Case No. 15 of 2025, instituted for the offences under Sections 8(C)/ 21(b) of the N.D.P.S. Act. He has no criminal antecedent.

3. The prosecution case is to the effect that written complaint of the informant A.S.I., Miss. Sarika Kumari of Jalalgarh Police Station alleging therein that during course of patrolling a person travelling on a vehicle was apprehended and total 30 liters of Xodex Cough Syrup (Triprolidine Hydrochloride and Codeine Phosphate) was seized. The apprehended person disclosed his name as Shahwaz Alam.

4. Learned counsel for the petitioner submits that



petitioner is not named in the F.I.R. and his name had surfaced on the confessional statement of co-accused Shahwaz Alam, on the next date of his arrest, wherein it has been stated that he was going to deliver the said seized cough syrup to the petitioner.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated at the behest of the Police out of personal grudge. It has also been submitted that no incriminating material was recovered from the possession of the petitioner and the petitioner carries clean antecedent and he is in custody since 13.04.2025.

6. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and stated that Xodex Cough Surup under the N.D.P.S. Act was seized in which the petitioner was named by the apprehended accused person.

7. Considering the aforesaid submissions of learned counsel and taking into account that the petitioner was not arrested at the spot. He was not apprehended with the incriminating articles and the fact that the co-accused has initially not named the petitioner and his name has surfaced subsequent as a confessional statement, let the petitioner above named, is directed to be released on bail on furnishing bail-bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the



like amount each to the satisfaction of the learned Principal District & Sessions Judge-cum-Special N.D.P.S. Case Judge, Purnea in connection with Jalalpur P.S. Case No. 15 of 2025, Special (NDPS Case No. 94 of 2025 (Supplementary), subject to the following conditions:-

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

(iv) 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 the same or in the name of verification.

(V) If the petitioner is apprehended in a case of



similar offence, the prosecution shall be at liberty to approach
the learned court below for cancellation of his bail bonds.

(Sourendra Pandey, J)

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