

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47316 of 2025

Arising Out of PS. Case No.-110 Year-2024 Thana- JALALGARH District- Purnia

Md Nasir Akhtar @ Nasir Akhtar S/O Shamim Akhtar @ Md Shamim R/O
Vill.- Sisauna Gaiyari, Ward no. 6, P.S.- Araria, Dist.- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md. Ziaul Quamar, Advocate

For the State : Mr. Ram Bilash Roy Raman, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-08-2025 Heard Mr. Ziaul Quamar, learned counsel for the

petitioner and Mr. Ram Bilash Roy Raman, learned Additional

Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
21.03.2025 in connection with Jalalgarh P.S. Case No. 110 of 2024,
F.I.R. dated 03.08.2024 for the offences punishable under Sections
8(c), 21(c)/ 25 of the NDPS Act.

3. According to prosecution case, altogether 510 liters of
Escuf cough syrup has been recovered from a vehicle bearing
Registration No. BR11S-4813. Two persons were apprehended on
the spot who disclosed the name of the petitioner.

4. Learned counsel for the petitioner submits that
petitioner is innocent and on the basis of disclosure made by the
co-accused persons, namely, Niraj Yadav and Sawan Kumar, the
petitioner has been falsely been implicated in the present case. He
further submits that it appears from the FIR that altogether 510



liters of Eskuf cough Syrup has been recovered from the vehicle in question and co-accused Shankar Yadav is the owner of the said vehicle. It is further submitted that co-accused persons, namely, Niraj Yadav @ Niraj Kumar has been granted privilege of regular bail by a co-ordinate Bench of this Hon'ble Court vide order dated 24.04.2025 passed in Cr. Misc. No. 669 of 2025 and co-accused, namely, Sawan Kumar has been granted privilege of regular bail by a co-ordinate Bench of this Hon'ble Court vide order dated 12.02.2025 passed in Cr. Misc. No. 4114 of 2025. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 21.03.2025.

5. The learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner carries two more cases of similar nature other than the present one and apart from that co-accused has disclosed that on instruction of the petitioner, the aforesaid cough syrup was carried by the co-accused persons.

6. Considering the aforesaid facts and circumstances, similarly situated co-accused persons have been granted privilege of regular bail by co-ordinate Benches of this Hon'ble Court and name of the petitioner has been transpired on the basis of disclosure made by the apprehended co-accused persons, let the petitioner, above named, 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 Special Judge, (NDPS) Act, Purnia in connection with Jalalgarh P.S. Case No. 110 of 2024, subject to the 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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