

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60290 of 2024

Arising Out of PS. Case No.-883 Year-2023 Thana- PURNEA SADAR District- Purnia

Jiaul Sheikh, Son of Late Rahman Sheikh R/O Imam Jagir Dakshin
Lakhimpur, Dakshin Raipur, P.s.- Kaliachak, Dist.- Malda, W.B.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md Fazle Karim

For the Opposite Party/s : Mr. Chandra Bhushan Prasad- A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 05-02-2025 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in anticipation of his
arrest in a case registered for the offences punishable under
Sections 8(C), 21(C) and 29 of the N.D.P.S. Act and Section 78
of the J. J. Act.

3. The learned counsel for the petitioner submits that
the petitioner is a person with clean antecedent and the
informant alleges that on information, vehicle checking started
and a bus was stopped when three accused tried to flee from the
bus, but were apprehended and they disclosed their name as
Shahid Sheikh, Amir Sheikh and Eklash Sheikh. It is next
alleged that 52.5 grams of brown sugar was recovered from
Shahid. Further, 100 gms of brown sugar was recovered from



Amir and 100 gms of brown sugar was recovered from Eklash. It is next alleged that they disclosed that brown sugar was to be delivered to Sawan Das @ Pankaj. Further, Shahid disclosed that his father (petitioner) had given the smack for delivering to Sawan.

4. The learned counsel for the petitioner submits that petitioner has been falsely implicated in the instant case by the informant. It is further submitted that it absolutely does not stand to reason that the son would implicate his own father. It is next submitted that since the accused were apprehended and their parentage was disclosed, as such, the petitioner came to be implicated, when petitioner was not even present at the place of occurrence. It is further submitted that even the brown sugar recovered from the accused individually was less than commercial quantity and Shahid and Amir sons of the petitioner have already been granted the privilege of regular bail. It is further submitted that since the accused, who disclosed the name of the petitioner, has been granted the privilege of regular bail, in that event, the anticipatory bail application of the petitioner be considered.

5. Learned A.P.P. Sri Chandra Bhushan Prasad opposes the anticipatory bail application and submits that in the



event, if anticipatory bail is granted to the petitioner, he may abscond, on which the learned counsel appearing on behalf of the petitioner submits that petitioner will not abscond rather will cooperate in the investigation to prove his innocence.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above-named, in the event of his arrest or surrender before the learned Court below within a period of six weeks, is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of the learned Special Judge, N.D.P.S. Act, Purnea in connection with Purnea Sadar (Mufassil) P. S. Case No.883 of 2023, subject to the conditions laid down under Section 438(2) of the Cr.P.C.

7. The application stands allowed.

8. However, it is made clear that in the event, if any application is filed by the Investigating Officer before the learned trial Court bringing to its notice that petitioner, despite giving assurance to this Court, is not cooperating in the investigation or is not presenting himself as and when required, the learned trial Court shall be at liberty to cancel the bail bonds of the petitioner after recording reasons.



9. It is further made clear that in the event, if charge-sheet is filed connecting the petitioner with the offence in that event, the present anticipatory bail order shall loose its effect.

10. Let a copy of this order be sent to the concerned Police Station through the learned trial Court.

(Satyavrat Verma, J)

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