

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.348 of 2025

Arising out of PS. Case No.-482 Year-2024 Thana- RANIGANJ District- Araria

1.

Md. Intaz @ Dantaz, S/o- Md. Ilahi, R/o- Rampur, W.No-4, PS- Forbesganj Dist- Araria.
2.

Md. Abdul, S/o- Md. Yasin, R/o- Rampur, W.No-4, PS- Forbesganj Dist- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N. K. Agarwal, Sr. Advocate
		Mr. Madan Mohan, Advocate
For the State	:	Mr. Shailendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

3

22-04-2025

Heard Mr. N. K. Agarwal, learned senior counsel for the petitioners assisted with Mr. Madan Mohan, learned counsel and Mr. Shailendra Kumar, learned Additional Public Prosecutor for the state.

2. The petitioners seek regular bail in connection with Raniganj P.S. Case No. 482 of 2024 dated 27.10.2024 instituted for the offences under Sections 21(b) of the Narcotic Drugs and Psychotropic Substances Act, 1985.

3. The prosecution case is based on the written application filed on behalf of the informant, Mr. Prakash Singh, ASI, P.S. Raniganj, wherein it has been stated that while he was on patrolling duty a secret information was received that a red coloured car is loaded with corex is coming from Araria upon



which the said car was intercepted and on search around 28.2 litres of cough syrup which contained codeine were seized and the petitioners were apprehended from the place of occurrence.

4. Mr. N. K. Agarwal, learned senior counsel for the petitioners submits that the petitioners were merely drivers of the car and they were not aware of the goods being carried or loaded on the car. It is further submitted by learned senior counsel for the petitioners that the said recovery of cough syrup does not come under the category of NDPS Act and, hence, the provision under Section 37 of the NDPS Act would not be attracted. It is also submitted by learned senior counsel for the petitioners that the mandatory provision prescribed under the NDPS Act had not been followed. It is next submitted by learned senior counsel for the petitioners that though the petitioner no. 1 namely Md. Intaz @ Dantaz is accused in one case, i.e., Jogbani P.S. Case No. 96 of 2023 registered for the offences under Section 30(a) of the Bihar Excise and Prohibition Act in which he is on bail, there is no case against him under NDPS Act. It is lastly submitted by learned senior counsel for the petitioners that the petitioners are in custody since 28.10.2024.

5. Learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners



and has stated that petitioners were found carrying contraband goods and were apprehended at the place of occurrence and, hence, they should not be let off.

6. Considering the aforesaid submissions of respective counsels and the fact that the said contraband material was hidden and recovered from the car which the petitioners were driving and not from their conscious possession and also taking into account that the petitioners are in custody since 28.10.2024, the petitioners above named, are directed to be released on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) each with two sureties of the like amount each to the satisfaction of the learned Special Judge, Araria in connection with Raniganj P.S. Case No. 482 of 2024, subject to the the following conditions:-

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

(ii) The petitioners 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 petitioners will be liable to be canceled by the Court concerned.

(iv) If any subsequent case of similar nature is lodged against the petitioners, the prosecution shall be at liberty to approach the learned Court below for cancellation of bail of the petitioners.

(Sourendra Pandey, J)

Vikash/-

U		T	
---	--	---	--

