

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.10062 of 2026**

Arising Out of PS. Case No.-89 Year-2020 Thana- BAISI District- Purnia

Aftab Alam Son of Late Kasim Resident of Surjapur, P.S.- Bairgachhi,  
District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ajay Kumar Thakur, Adv.

For the Opposite Party/s : Mr. Bharat Bhushan, APP

**CORAM: HONOURABLE MR. JUSTICE RAJIV ROY**

ORAL ORDER

3      17-04-2026                      Heard Mr. Ajay Kumar Thakur, learned counsel for  
the petitioner and Mr. Bharat Bhushan representing the State.

2. The petitioner is in custody in connection with Special Case No. 05 of 2020 arising out of Baisi P.S. Case No. 89 of 2020 for the offence punishable under sections 274, 275 and 276 of the Indian Penal Code, Section 21(b) of NDPS Act and Section 27(b)(ii), 28 and 27(d) of Drugs and Cosmetics Act, 1940.

3. As per the prosecution story, the informant alleged that during patrolling, cartons of ESKUF cough syrup were found from the dickey of Scorpio car. This led to the FIR.

4. Learned counsel for the petitioner submits that though it was taken on lease from the original owner, he had returned it but got implicated.



5. Earlier, the Court wanted the Trial Court to submit a report and as per the report dated 16.03.2026, the charge has been framed against the sole accused and summons issued. Later, out of six charge-sheet witnesses, two have been examined.

6. Learned counsel for the petitioner submits that he is in custody since 30.04.2025, if granted relief, he shall be diligently appearing in trial and shall not indulge in any criminal activity and failure to abide by either of the aforesaid undertaking given, the Trial Court shall be free to take immediate steps for the cancellation of the bail bond.

7. Learned APP opposes the prayer for bail submitting that he has criminal antecedents.

8. Considering the submissions of the parties as also his period of custody and the undertaking that he has given coupled with the fact that the trial is at an early stage, an undertaking has been given that he shall be diligently appearing in trial and shall not indulge in any criminal activity (failure to do so, the Trial Court shall immediately cancel the bail bond), in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 2<sup>nd</sup> District & Additional Sessions Judge-cum-Special Judge, Purnea in connection with Special Case No. 05 of 2020 arising out of Baisi P.S. Case No. 89 of 2020 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty  
to take steps for cancellation of his bail bonds.

**(Rajiv Roy, J)**

Vijay Singh/-

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