

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35346 of 2026

Arising Out of PS. Case No.-259 Year-2022 Thana- AMAUR District- Purnia

Md. Musfik @ Md. Mushfique Alam @ Md. Musfic Alam, Son of Mustak Alam @ Md. Mustaque Ahmad, Resident of Village- Majrahi, P.S.- Amopur, District- Purnea, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 01-06-2026 Heard learned Advocate for the petitioner and the learned APP for the State through virtual mode.

2. The petitioner is apprehending his arrest in connection with Amour P.S. Case No. 259 of 2022 registered for the offences under Sections 272, 273, 274, 275, 276/34 of the Indian Penal Code and Section 21(b) of the N.D.P.S. Act.

3. In course of vehicle checking, the police intercepted one motorcycle, however, noticing the police party, out of two persons, one succeeded in fleeing away. The apprehended person disclosed his name as Danishur Rahman. In course of search altogether 340 bottles of Codeine Phosphate Syrup, each containing 100 ml codeine was recovered. It is further stated that the name of the petitioner has been implicated in this case on account of he being the owner of the vehicle, in



question.

4. Learned Advocate for the petitioner taking this Court through the F.I.R. contended that even as per the allegation, it appears that the person, who succeeded in fleeing away was co-accused Ashraf and the apprehended person disclosed his name as accomplice in the crime; but only on account of the petitioner being the brother of co-accused Danishur Rahman, his name has been implicated in this case. The police after investigation, on being found no material, submitted Final Report showing the petitioner as innocent and he has not even been sent up for trial. To support the aforesaid contention, the Final Form/Report, bearing no. 214/23, dated 23.08.2023 has been brought on record as Annexure-P/2. It is further submitted that despite the aforesaid fact, the jurisdictional court differing with the Final Report took cognizance of the offences as alleged in the F.I.R. Hence, necessity of the present application. The petitioner bears fair antecedent and has no concern with the present recovery is the contention of the learned Advocate for the petitioner.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that the motorcycle, in question, which is used in the crime, belongs to



the petitioner and, as such, his complicity in the crime cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that save and except the petitioner being the owner of the motorcycle, in question, there is no other material suggesting his complicity in the crime, besides the fact that the petitioner has not even been sent up for trial, as also his fair antecedent, let the petitioner, named above, in the event of his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Principal District & Sessions Judge, Purnea in connection with Amour P.S. Case No. 259 of 2022, subject to the condition as laid down under Section 482 (2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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