

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77836 of 2025

Arising Out of PS. Case No.-247 Year-2021 Thana- BAISI District- Purnia

Md. Moin son of Late Md. Taslim Resident Of Village- Ward No 4,
Dagarua, P.s. -Dagarua, District -Purnea

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.N.K.Agrawal, Sr. Advocate

Mr.Nafisu Zzoha, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 28-01-2026 Heard Mr. N.K. Agrawal, learned senior counsel for the

petitioner and learned APP for the State.

2. The accused-petitioner, named in the F.I.R., is apprehending his arrest in connection with Baisi P.S. Case No. 247 of 2021 registered for the offences punishable under Sections 272, 273, 274, 275, 276 of the Indian Penal Code and 21(b) of the N.D.P.S. Act.

3. As per FIR, petitioner implicated with the present case under the name of his shop namely, M/s Rahat Medical Stores, Gulabbagh, Purnea, as per disclosure of apprehended co-accused who found in possession of 74 cartoons of banned Codeine Cough Syrup, each cartoons containing 140 pieces of 100 ml. (total 1198 Liters).



4. Mr. N.K. Agrawal, learned senior counsel appearing for the petitioner submitted that petitioner was the owner of M/s Rahat Medical Stores, but due to his health reasons, the shop was closed in the month of June 2021 itself and, thereafter, the license of the shop was not renewed for any further period, but due to prior business rivalry and enmity with one Asgar Ali, proprietor of M/s Ali Distributor, Rauta and co-accused Ajay Sah, who is the proprietor of M/s Soni Medical Hall and the owner of alleged vehicle from which the Codeine Cough Syrup was recovered, instigated the apprehended co-accused persons, to implicate this petitioner.

5. It is submitted by Mr. Agrawal that petitioner was not related with seized consignment in any manner and he has no occasion to receive such huge contraband medicine particularly when the alleged shop was closed in the month of June 2021 itself.

6. Arguing further, Mr. Agrawal submitted that admittedly the recovery not appears to be made from physical possession of this petitioner. It is pointed out that factual aspect suggests that petitioner was not under culpable mental



state *qua* consignment in view of section 35 of the N.D.P.S. Act and, therefore, there is no question as to import rigours of section 37 of the N.D.P.S. Act.

7. Explaining criminal antecedent of the petitioner, it is submitted by Mr. Agrawal that prior to lodging of the present case, petitioner was made accused in one more criminal case of similar nature in the year 2022 by Asgar Ali, Proprietor of M/s Ali Distributor, Rauta, where he is on bail.

8. Learned A.P.P. for the State duly assisted by learned counsel appearing for the informant, while opposing the prayer for anticipatory bail of the petitioner, submitted that petitioner was implicated with his shop name and still investigation of this matter is open.

9. Countering the aforesaid submission, Mr. Agrawal submitted that on all material aspects, investigation of this case is already completed *qua* apprehended co-accused persons and, therefore, no custodial interrogation is required in this case and sending the petitioner to jail would not serve any judicial purpose.

10. In view of the aforesaid factual submissions and



by taking note of the fact as petitioner implicated with name of his closed shop i.e. M/s Rahat Medical Stores, where admittedly no consignment appears to be recovered from his physical possession, accordingly, above-named petitioner, in the event of his arrest/surrender within a period of four weeks from this order, is directed to be enlarged on bail on furnishing of bail bond of Rs.10,000/- (ten thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Purnea/concerned court in connection with Baisi P.S. Case No. 247 of 2021, subject to the conditions as laid down under Section 438(2) of the Cr.P.C/Section 482(2) of the Bhartiya Nagarik Suraksha Sanhita (in short “B.N.S.S.”).

(Chandra Shekhar Jha, J)

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