

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.27055 of 2016

Arising Out of PS.Case No. -58 Year- 2015 Thana -MUZFFARPUR GRP CASE District- MUZAFFARPUR

Noor Mohammad Son of Zahir Miyan Resident of Village & P.S- Thakaraha, District West Champaran.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

Appearance :

For the Petitioner/s : Mr. Binod Kumar Sinha

For the Opposite Party/s : Smt. Veena Kumari Jaiswal

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

2 30-06-2016 Heard learned counsel for the parties.

The petitioner is languishing in custody since 22.10.2015 in a case registered for the offence punishable under sections 307, 328, 379, 411 of the Indian Penal Code and 22 of the N.D.P.S.Act.

The present application has been filed by Binod Kumar Sinha having AOR No. 03629 but it is argued by Mr. Asar Mustafa.

Prosecution case is that on 22.10.2015 at 4:30 A.M. the informant was waiting for train at Muzaffarpur Railway Station for Motihari when he saw two persons on the platform, who disclosed that they are also going to Motihari and one of them went to bring tea. The other person disclosed his name as



Gajendra Paswan. In the meantime, the said person brought three cups of tea and gave tea to the informant and Gajendra Paswan. The informant did not take tea because he identified the person, who earlier by administering intoxicating material robbed cash of Rs.14,000/- and other articles of the informant. The informant informed the GRP whereupon the police came and found Gajendra Paswan in unconscious position. The police arrested the person, who disclosed his name as the petitioner Noor Mohammad. From the petitioner's possession 10 Ativan tablets and one Micromax mobile were recovered.

It is submitted by the learned counsel for the petitioner that only on suspicion the petitioner has been roped in the present case. Ten Ativan tablets can even be kept by a person for his personal consumption. Statement has been made in paragraph 3 of the application that the petitioner has no criminal antecedent and even assuming the quantity of recovery it cannot be more than small quantity moreover none could see the petitioner mixing any intoxicant in the tea and the investigation has already been concluded.

Considering the nature of recovery and the statement in paragraph 3 of the application that the petitioner has no criminal antecedent, let the petitioner, abovenamed, be released on bail on

furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the 6th Addl. Sessions Judge, Muzaffarpur in Rail (N.D.P.S.) Muzaffarpur P.S.Case No. 58/2015.

The learned court below will be at liberty to cancel the bail bond of the petitioner if he defaults for two consecutive occasions or gets substantially involved in similar nature of offence.

(Dinesh Kumar Singh, J)

Surendra/-

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