

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16858 of 2017

Arising Out of PS.Case No. -73 Year- 2016 Thana -SAMSTIPUR RAIL P.S District-
SAMASTIPUR

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Md. Turfain Aalam @ Md. Turfain, son of Late Md. Muslim, resident of
Village- Raipur, Police Station- Waris Nagar, District- Samastipur.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Mukund Mohan Jha, Advocate

For the Opposite Party/s : Mr. Md. Sufiyan, APP

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

6 14-07-2017 Heard learned counsel for the petitioner and the

learned A.P.P. for the State.

Petitioner is languishing in judicial custody
since 25.11.2016 in connection with Samastipur Rail P.S.
Case No. 73 of 2016 pending in the Court of learned
Sessions Judge, Samastipur registered for the offence
punishable under Sections 414 of the Indian Penal Code and
Sections 20 and 22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police
party, is that on a secret tip-off that in Amarnath Express
train one male and one female passengers are carrying
ganja, the police party started searching and when they



reached at the over bridge, they saw that one man and one women, seeing the police party, started running away, but on chase both were apprehended and 15 kilograms of ganja and one Nokia mobile each were recovered from both the accused persons.

It has been submitted by the learned counsel for the petitioner that he is innocent and, except the present case, he has not been implicated in any other case, arising out of the N.D.P.S. Act, but only one case lodged under other sections of the Indian Penal Code is pending against him. It is further submitted that charge-sheet has already been submitted, hence, there is no chance of tampering with the prosecution evidence. He submits that the petitioner and another co-accused both are brother and sister and he undertakes to cooperate during trial.

However, learned A.P.P. for the State submits that the petitioner was caught red handed with the contraband item, hence, opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, I am not inclined to grant the privilege of bail to the petitioner at this stage. This application is,



accordingly, rejected.

However, petitioner may renew his prayer for
bail after six months.

(Nilu Agrawal, J.)

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