

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44268 of 2017

Arising Out of PS.Case No. -48 Year- 2017 Thana -FULKAHA District- ARRARIA

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1. MD. SHAMSHER ALAM @ MD. SHAMSHER Son of Md. Kadir
Dahir, R/o Village- Mahadev Patti, P.S.- Balua Bazar, District- Supaul.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Naresh Kumar Mehta

For the Opposite Party/s : Mr. Ashok Kumar Singh 1

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 19-12-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
24.05.2017 in connection with Special Case No. 15 of 2017,
arising out of Fulkaha P.S. Case No. 48 of 2017 for offences
punishable under Sections 20, 22 of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that the petitioner was apprehended with 4.05 kgs
of ganja and, accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal history and is a
victim of highhandedness of the police as ganja was implanted
by the police. He submits that the petitioner is a poor labourer



and works as daily wager. He further submits that charge-sheet has already been submitted and there is no allegation of tampering of the prosecution witnesses by the petitioner.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record, let petitioner, above named, be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge, Araria, in connection with Special Case No. 15 of 2017, arising out of Fulkaha P.S. Case No. 48 of 2017, subject to the following conditions :

- (i) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.
- (iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to



move the learned court below for cancellation of his
bail bonds.

(Nilu Agrawal, J)

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