

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47128 of 2017

Arising Out of PS.Case No. -73 Year- 2017 Thana -BARAUNI RAIL P.S. District- BEGUSARAI

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1. MD. MIRAJ KHAN @ SIRAJ @ MERAJ KHAN @ SERAZ @ MERAJ
Son of Late Md. Salauddin Khan, R/o Village- Suliudabad Ward No. 7,
P.S.- Saharsa, District- Saharsa.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pramod Kumar Verma

For the Opposite Party/s : Mr. Amrendra Prasad

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 09-10-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
30.04.2017 in connection with N.D.P.S. Case No. 10/2017, arising
out of Barauni Rail P.S. Case No. 73/2017 for offences punishable
under Sections 414/34 of the Indian Penal Code and Section 20 of
the N.D.P.S. Act.

The prosecution case, as lodged by the railway police
personnel, is that the petitioner was apprehended with seven
tablets of Ativan and two mobiles without SIM. Accordingly, a
seizure-list was prepared.

It has been submitted by the learned counsel for the



petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that no overt act has been alleged to have been committed, 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 stating therein that during investigation the petitioner along with his associates have been found to be indulged in looting the railway passengers and petitioner has two more cases under Section 379 of the Indian Penal Code.

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 Addl. Sessions Judge 1st cum Special Judge, N.D.P.S. Act, Begusarai, in connection with N.D.P.S. Case No. 10/2017, arising out of Barauni Rail P.S. Case No. 73/2017, subject to the condition that 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 and that 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. It is also made clear that 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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