

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.50077 of 2017

Arising Out of PS.Case No. -395 Year- 2017 Thana -KATIHAR District- KATIHAR

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1. Md. Israil Alam @ Israil Alam, S/o Late Md. Mokim, Resident of
Village-Larkania Tola, P.S.-Town, District-Katihar.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dhirendra Kumar Sinha

For the Opposite Party/s : Mr. Dr. Kumar Uday Pratap

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 24-11-2017 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner is languishing in judicial custody since
19.06.2017 in connection with Katihar Town P.S. Case No. 395 of
2017 corresponding to G.R. Case No. 2550 of 2017 for offences
punishable under Sections 20/22 of NDPS Act.

The prosecution case, as lodged by the police personnel
is that on secret information, the house of the petitioner was raided
and under the bed 11 kg. 75 gm. Ganja was recovered.
Accordingly a seizure list was prepared.

It has been submitted by the learned counsel for the
petitioner that he is innocent, bears no criminal antecedent and he
has been falsely implicated in the present case as the house is a



joint family property and that nothing has been recovered from his conscious possession. He submits that the seizure list witnesses are not local persons neither their statements under Section 161 Cr.P.C. has been taken as yet and sample of the seized article has not been sent for forensic examination. Charge-sheet has already been submitted and there is no allegation of tampering with 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 **after completion of six months in custody** on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, Katihar, in connection with Katihar Town P.S. Case No. 395 of 2017, G.R. No. 2550 of 2017 subject to the condition that one of the bailors would be a close relative of the petitioner having sufficient immovable property within the jurisdiction of the concerned court, 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 court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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