

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.30657 of 2017

Arising Out of PS.Case No. -57 Year- 2017 Thana -BAHADURPUR District- DARBHANGA

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1. Md. Gulfaam Khan @ Gulfaam Khan @ Md. Gulfam @ Md. Gulfan Khan, Son of Safidul Khan @ Md. Safidul Khan, resident of Village-Basuham, P.S.- Bahera, District- Darbhanga.

.... Petitioner/s

Versus

1. The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13

For the Opposite Party/s : Mr. Shyameshwar Dayal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 18-08-2017 Heard learned counsel for the petitioner and learned APP for the State.

Petitioner is languishing in judicial custody since 09.02.2017 in connection with Bahadurpur P.S. Case No. 57/2017, G.O. Case No. 04/2017 for offences punishable under Sections 8, 20(b)(ii)(B) of the Narcotic Drugs and Psychotropic Substances Act.

The prosecution case, as lodged by the police personnel, is that on secret information the petitioner was apprehended from a motorcycle and in the dickey 1 kg of ganja was recovered, and, 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 just because he has a criminal antecedent. He 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 stating therein that the petitioner is a habitual offender and as many as three cases of similar nature are pending against him.

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 1st Addl. Sessions Judge cum Special Judge, Darbhanga, in connection with Bahadurpur P.S. Case No. 57/2017, G.O. Case No. 04/2017, 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 police station/ 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 learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

Rajesh/-

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