

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68480 of 2018

Arising Out of PS. Case No.-16 Year-2018 Thana- DUMARIAGHAT District- East
Champaran

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Md. Salauddin, Son of Md. Jakaruddin, Resident of Village- Rajpur, Police
Station- Sabour, District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate
For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 02.02.2018 in
connection with Dumariaghat P.S. Case No.16 of 2018,
registered for the offence under Sections 20 and 22 of the
N.D.P.S. Act.

Learned counsel for the petitioner submits that the
prayer of the bail was earlier rejected in Cr.Misc. No.32741 of
2018 vide order dated 03.07.2018 as on the presumption that
the driver was expected to know that the aforementioned
prohibited substance was kept in the vehicle.

Learned counsel for the petitioner submits that the
said recovery could not be made from conscious possession of



the petitioner and therefore, he may be extended the privilege of bail. It is further submitted that the petitioner has got no criminal antecedent and similarly situated co-accused who was riding the car has since been extended the privilege of bail in Cr. Misc. No. 30204 of 2018 vide order dated 07.08.2018.

In view of the aforementioned fact and circumstances of the case, let the petitioner, above named, be released on bail on his furnishing bail bond of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Sessions Judge/Special Judge, East Champaran, Motihari, in connection with Dumariaghat P.S. Case No.16 of 2018, subject to the following conditions:

- (1) One of the bailors will be his father.
- (2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.
- (3) The petitioner shall remain physically present in court on each and every date during trial and in the event of his failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.
- (4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself



available as and when so required and in case of failure, the
State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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