

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.26203 of 2018

Arising Out of PS.Case No. -71 Year- 2007 Thana -KADAMKUAN District- PATNA

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Aslam Ansari @ Md. Aslam Ansari, Son of Kitab Mian, Resident of
Village- Katchery Tola- Pipra, P.S.- Jogapatti, District- West Champaran.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Jai Narain Thakur

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 29-05-2018 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with
Special Case No. 10 of 2007 arising out of Kadamkaun P.S. Case
No. 71 of 2007 for the offence punishable under Section 20(I-b)
(a) of the Narcotic Drugs and Psychotropic Substances Act.

The present case arises out of the impugned order dated
07.03.2018 passed by the learned court of Additional Sessions
Judge, XI, Patna.

Apparently the petitioner was granted bail, however on
account of non attendance and misuse of the privilege of bail for
more than 7 years, the bail bond of the petitioner was cancelled by
an order dated 27.01.2011 and non-bailable warrant was issued
against the petitioner, however the petitioner surrendered only on



20.02.2018 and since then the petitioner is in custody.

The learned Additional Sessions Judge, XI, Patna has rejected the petition for bail of the petitioner on the ground of long misuse of bail.

The learned counsel for the petitioner has submitted that though the present case is a case of long misuse of bail but since the petitioner was away for his livelihood at Delhi, he did not understand the implication of non attendance and misuse of privilege of bail, hence out of ignorance the petitioner defaulted in appearing before the concerned court. However after coming to know about the cancellation of his bail bond, he has voluntarily surrendered before the court on 20.02.2018. It is further submitted that the petitioner is ready to abide by any terms as this Court may think proper.

Having regard to the facts and circumstances of the case it is directed that the petitioner shall deposit a sum of Rs. 5000/- (Rs. Five Thousand) with the Patna High Court Legal Service Committee within a period of two weeks from today and produce a receipt of deposit of the said amount before the learned trial court, whereupon the petitioner shall be released on bail on such condition as may be imposed by the learned trial court.

It is further directed that the petitioner shall appear



before the learned trial court on each and every date fixed in the case and in default of appearance, the bail bond shall stand cancelled and the petitioner shall be taken into custody forthwith.

(Mohit Kumar Shah, J)

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