

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Criminal Miscellaneous No.49741 of 2017**

Arising Out of PS.Case No. -36 Year- 2017 Thana -GAYA RAIL P.S. District- GAYA

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Badshah Khan, Son of Late Kasim Khan, Resident of Village-near Barat House, 106 Punarwas Colony, PKT-4, Sector-14/6, P.S.-Narela, District-New Delhi.

.... .... Petitioner/s

Versus

1. The State of Bihar

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Kunwar Narayan Jamuar

For the Opposite Party/s : Mr. Sri Nawal Kishore Prasad

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**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR**  
**ORAL ORDER**

4      09-01-2018

Heard the learned counsels for the petitioner and the State.

The petitioner seeks bail in connection with N.D.P.S. Case No. 6 of 2017 arising out of G.R.P.S. Gaya P.S. Case No. 36 of 2017 dated 03.02.2017 instituted for the offences under Sections 8/20(b)(II) and 13 of the Narcotic Drugs and Psychotropic Substance Act; Section 413 of the Indian Penal Code and Section 137 of the Indian Railways Act, 1989.

The petitioner is said to have been apprehended in a train, travelling without a valid ticket and was found to be in possession of 12 kilograms of Ganja.

Learned counsel for the petitioner has submitted that no doubt the petitioner was travelling without a valid ticket and when he saw the police personnel, he tried to hide himself near a



bathroom. He was thereafter wrongly apprehended with the narcotics. It is further submitted that the petitioner has no criminal antecedent.

The petitioner is in custody since 03.02.2017.

The charges in this case have been framed and the prosecution witnesses have been summoned to appear before the trial court to give their depositions.

Considering the aforesaid facts, the petitioner above named is directed to be released on bail on his furnishing bail bond in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District Judge-I, Gaya in connection with N.D.P.S. Case No. 6 of 2017 arising out of G.R.P.S. Gaya P.S. Case No. 36 of 2017.

However, it is made clear that if the petitioner shall not appear before the trial court on two consecutive occasions without seeking prior permission from the trial court, it would be open for the trial court to proceed for cancellation of the bail granted to the petitioner.

**(Ashutosh Kumar, J)**

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