

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.7295 of 2018

Arising Out of PS.Case No. -718 Year- 2016 Thana -BETTIAH CITY District-
WESTCHAMPARAN(BETTIAH)

=====

Asalam @ Asalam Mian @ Md. Aslam, S/o Late Khairati Mian, Resident
of Village- Sirisia Mal, P.S.- Nakardei, District- East Champaran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar

For the Opposite Party/s : Mr. Md. Nazir Ansari

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-02-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 28.07.2017
passed in Cr. Misc. No. 26625 of 2017 and the petitioner was
given liberty to renew his prayer for bail after six months, if trial is
not concluded by that time.

Petitioner is languishing in judicial custody since
20.04.2017 in connection with Bettiah Town P.S. Case No. 718 of
2016 for offences punishable under Sections 20, 23, 25, 27(A) and
29 of the N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that the house of one Md. Saheb was raided and 200



grams of smack was recovered, who confessed the name of the petitioner to be the supplier from Raxaul.

It has been submitted by the learned counsel for the petitioner that he is innocent, nothing has been recovered from his conscious possession and the confessional statement of the apprehended co-accused before the police has no evidentiary value in the eye of law.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner does not have a clean antecedent and out of eight cases pending against him, six cases are of similar nature.

A report was called for from the court of the learned Additional Sessions Judge-III, West Champaran, Bettiah who has sent a report dated 12.02.2018 that charges have not yet been framed as the petitioner is at Motihari jail.

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 Additional Sessions Judge-III, West Champaran, Bettiah in connection with Bettiah (Town) P.S. Case No. 718 of 2016, subject to the conditions that:



- (1) One of the bailors would be a close relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.
- (2) 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.

(Nilu Agrawal, J)

Devendra/-

U		T	
---	--	---	--

