

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.21387 of 2018

Arising Out of PS.Case No. -343 Year- 2017 Thana -JOKIHAT District- ARRARIA

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Md. Sahabuddin @ Shahabuddin, Son of Ibrahim, Resident of Village-
Matiyari, P.S.-Jokihat, Dist.-Araria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Ms. Gulnar Begum, APP

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 09-05-2018 Heard learned counsel for the petitioner and the

learned counsel appearing on behalf of the State.

The petitioner is in custody since 30.10.2017 in
connection with Jokihat P.S Case No.343 of 2017,
corresponding to Special Case No.29 of 2017, registered for
the offence under Section 8/20 of the N.D.P.S. Act.

Learned counsel for the petitioner submits that the
alleged recoveries of *Ganja* are not of commercial quantity and
the samples thereof have not been taken or prepared for being
sent for forensic examination. It is further submitted that only
on suspicion that the petitioner is a habitual offender, he has
been kept behind bars. It is submitted that the signature has
been forcibly taken on the seizure list and the real culprit has



escaped. It is further submitted that the petitioner was compelled to sign on blank paper. Thereafter, the seizures have been entered in the seizure list. Learned counsel for the petitioner submits that the petitioner has been in jail custody for more than six months and, therefore, he may be extended the privilege of bail.

Learned counsel appearing on behalf of the State has perused the case diary and submitted that, admittedly, the samples of *Ganja* alleged to have been recovered were not taken at the time of seizure for being sent for forensic examination.

In view of the aforementioned facts and circumstances, 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 District & Session Judge, Araria, in connection with Jokihat P.S. Case No.343 of 2017, corresponding to Special Case No.29 of 2017, subject to the following conditions:

- (1) One of the bailors will be the father of the petitioner.
- (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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