

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.3368 of 2018

Arising Out of PS.Case No. -73 Year- 2016 Thana -SAMSTIPUR RAIL P.S District-
SAMASTIPUR

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Md. Turfain Aalam @ Md. Turfain @ Md. Turfain Alam, Son of Md. Muslim, Resident of Village-Raipur, Police Station-Warisnagar, District-Samastipur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjan Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 07-03-2018 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 14.07.2017
passed in Cr. Misc. No. 16858 of 2017.

Petitioner is languishing in judicial custody since
25.11.2016 in connection with Samastipur Rail P.S. Case No. 73
of 2016 for offences punishable under Section 414 of the Indian
Penal Code and Section 20/22 N.D.P.S. Act.

The prosecution case, as lodged by the police
personnel, is that the petitioner and one other were apprehended



carrying 15 kilograms of ganja and one Nokia mobile each were recovered from both the petitioner and other accused person.

It has been submitted by the learned counsel for the petitioner that he is innocent, no other case under the N.D.P.S. Act is pending against him and that he is in custody since more than one year. He submits that charges have already been framed but none of the seizure list witnesses have been examined and that he has been falsely implicated.

However, learned APP for the State opposes the prayer for bail.

Considering the facts and circumstances and the materials on record and the period of custody, 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 Special Judge, N.D.P.S. Act, Samastipur in connection with Samastipur Rail P.S. Case No. 73 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.

(3) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of his bail bonds.

(Nilu Agrawal, J)

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