

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13007 of 2019

Arising Out of P.S. Case No.-185 Year-2018 Thana- MUZZFARPUR GRP CASE District-
Muzaffarpur

MD. RAJA @ KALAM, aged about 32 years, Gender-Male, Son of Md. Mamajan @ Bhujungi, Resident of Village - Sodagadam Chowk, P.S.- Ahiyapur, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Md. Anjum Akhter, Advocate

For the Opposite Party/s : Mr.Rajesh Kumar, APP

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

2 06-03-2019 Heard the learned counsel for the petitioner and
learned counsel appearing on behalf of the State.

Petitioner is languishing in judicial custody since 18.09.2018 in connection with Muzaffarpur Rail (NDPS) P.S.Case No.185 of 2018 for the offence alleged under Section 401 of the Indian Penal Code and Section 22(a) of the Narcotic Drugs and Psychotropic Substance Act.

The prosecution case as lodged by the rail police personnel is that while on checking duty they got information that some miscreants have assembled to commit a crime in the northern side of the railway station and on reaching the place, the petitioner was apprehended and from his possession Rs.400/- and 5 tablets of Alprasafe 05 mg was recovered.



Accordingly, a seizure list was prepared.

It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent, the money recovered belonged to him and the medicine has not been examined by any medical expert to verify the authenticity of the said drug. He further submits that chargesheet has already been submitted and the petitioner is languishing in judicial custody since nearly six months.

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

Considering the facts and circumstances and the period of custody and that the petitioner does not bear any criminal antecedent, chargesheet having been submitted, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with Muzaffarpur Rail (NDPS) P.S.Case No.185 of 2018 to the satisfaction of learned Sessions Judge-cum-Special Judge, Muzaffarpur, subject to the following conditions:-

(i) 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.



(ii) 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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