

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77601 of 2018

Arising Out of PS. Case No.-6 Year-2017 Thana- KATIHAR (R.T) District- Katihar

1. Md. Nazim and Anr S/o Md. Khurshid , R/o Bilanpur, P.S.- Ganor, District- Sonipath Haryana.
2. Amit Kumar S/o Yogindra Singh @ Yoginder Singh, R/o House No. 07, Block NO. 201, Gunkali Tahsil, P.S.- Jind, District- Jind Haryana.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah

For the Opposite Party/s : Mr. Mustaque Alam

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL ORDER

3 27-03-2019 Heard learned counsel for the petitioners and learned
counsel appearing on behalf of the State.

Petitioners had earlier moved for bail which was rejected vide order dated 06.11.2017 passed in Cr. Misc. No. 37635 of 2017.

Petitioners are languishing in judicial custody since 31.01.2017 in connection with Katihar Rail P.S. Case No. 06 of 2017, G.R. No. 08 of 2017 for offences punishable under Sections 8, 20 and 22 of the N.D.P.S. Act.

The prosecution case as lodged by the Rail Police is that on secret information the Rajdhani Express, Coach No. B-12, berth nos. 17 and 20 were searched and in two bags 49 kg and 66 gms of Ganja was recovered. From the voter card, the



petitioners were identified and accordingly apprehended on the spot.

It has been submitted by the learned counsel for the petitioners that they are innocent, bear no criminal antecedent, the bag was kept below the seat and did not belong to them and that nothing has been recovered from their conscious possession. They are just passengers in the train and have been apprehended only on suspicion. He submits that the petitioners are ready to cooperate in the trial and appear before the court below as and when required.

In this regard, a report was called for from the court of learned Additional Sessions Judge-III, Katihar which has been sent vide letter no. 18 dated 11th February, 2019 stating therein that out of eight prosecution witnesses, four official witnesses are left to be examined.

Considering the nature of allegations and the fact that the trial has not made much headway, petitioners are languishing in judicial custody since more than two years and that the petitioners do not bear any criminal antecedent as stated in para-3 of the present application, let the petitioners above named be enlarged on bail on furnishing bail bonds of Rs. 25,000 (Twenty Five thousand) each with two sureties of the



like amount each to the satisfaction of the learned Additional District Judge-III, Katihar in connection with Katihar Rail P.S. Case No. 06 of 2017, G.R. No. 08 of 2017, subject to the conditions:-

(1) One of the bailors would be close relative of the petitioners having sufficient immovable properties, who will file an affidavit stating his relationship with the petitioners.

(2) The petitioners 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 their bail bonds.

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

(Nilu Agrawal, J)

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