

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21206 of 2019

Arising Out of PS. Case No.-170 Year-2014 Thana- BABUBARHI District- Madhubani

MD. NAYEEM, aged about 47 years, (Male) Son of Late Abdul Kayum,
Resident of Village-Basaha, P.S-Babubarhi, District-Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gagan Deo Yadav, Adv.
For the Opposite Party/s : Mr.Kanhaiya Kishore(App)

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 04-04-2019 Heard learned counsel for petitioner and learned
counsel for the State.

Petitioner, who is in custody, seeks bail registered
for the offences punishable under Section 22/23 of N.D.P.S. Act.

Allegation is recovery of 2.5 Kgs. Of Ganja from
the joint house of petitioner and other family members.

It has been submitted on behalf of the petitioner
that he is innocent and has committed no offence. He has been
falsely implicated in this case. Nothing was recovered from the
possession of the petitioner. Petitioner was not arrested on the
spot. Petitioner has no criminal antecedent and is in custody
since 30.01.2019.

Considering the aforesaid facts and circumstances
of the case, I am not inclined to grant bail to the petitioner at



this stage. Accordingly, the prayer for bail is rejected at this stage.

However, **after Six months of judicial custody** the petitioner shall be enlarged on bail by the court below on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Madhubani, in connection with Babubarhi P.S. Case No. 170 of 2014 (G.R. No. 09 of 2014) subject to conditions:

- (1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.
- (2) Petitioner shall co-operate in the trial and shall be represented on each and every date fixed by the court.
- (3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.
- (4) If the petitioner is found involved in similar nature of offences, after his release on bail the trial court shall take steps to cancel his bail bonds.

Accordingly, this Criminal Miscellaneous is here by disposed of.

(S. Kumar, J)

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