

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78464 of 2019

Arising Out of PS. Case No.-430 Year-2015 Thana- ARARIA District- Araria

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KHURSHID ALAM @ KHURSHID MUKHIYA Son of Sagiruddin Resident
of Village - Kalu Chowk, Bardaha, P.S.- Sikty, District - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh
For the Opposite Party/s : Mr.Sanjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

2 03-12-2019 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner apprehends his arrest for the offences
alleged under Sections 22/24/29 of Narcotics Drugs and
Psychotropic Substance act, registered in connection with Spl.
(N.D.P.S.) Case No. 09 of 2019 arising out of Araria P.S.Case
No. 430 of 2015.

3. It is submitted that the petitioner has been falsely
implicated in connection with alleged recovery of one pound
heroine from co-accused Kalam, on whose confessional
statement the name of the petitioner has surfaced. It is submitted
that after due investigation, the police submitted the charge
sheet against the said co-accused Kalam and after keeping the
investigation pending against the petitioner, finally submitted



final form. After trial co-accused Kalam was acquitted by judgment dated 19.01.2019 in Spl. Case No. 09 of 2015 (NDPS Act) passed by the learned 1st Additional Sessions Judge, Araria, certified copy whereof has been produced and placed on record. Subsequently, differing with the final form, cognizance has been taken on 06.04.2019. The petitioner is accused in two prior cases of different nature.

4. Be that as it may, in the event of petitioner's arrest or surrender before court below within six weeks from the date of communication of this order, let the above named petitioner be released 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 1st Additional Sessions-cum-Spl. Judge, Araria in connection with Araria P.S.Case No. 430 of 2015 corresponding to Spl. (NDPS) Case No. 09 of 2019, subject to the conditions as laid down under Section 438(2) Cr. P.C. and also subject to the following further conditions:

(i) That one of the bailors shall be a close relative of the petitioner.

(ii) That the petitioner shall not indulge in any similar offence till conclusion of the trial.

(iii) That 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.

(iv) The petitioner shall remain physically present in Court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reason, his bail bond shall be liable to be cancelled by the learned Court concerned.

(Vikash Jain, J)

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