

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84135 of 2019

Arising Out of PS. Case No.-74 Year-2019 Thana- JOGBANI District- Araria

MD. ZALIL @ MD. JALIL S/o Late Md. Yusuf Resident of Village- Indra
Nagar, Tikulia, Ward No.10, P.S.- Jogbani, Distt- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gopal Kumar Jha
For the Opposite Party/s : Mr.Mohammad Sufyan

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL ORDER

3 17-03-2020 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is in custody since 18.03.2019 in connection with Spl. Cae No. 398 of 2019 arising out of Jogbani P.S. Case No. 74 of 2019 for the alleged offences under Sections 30(a) and 38(i) of the Bihar Prohibition and Excise Act, 2016 and Sections 27(B), (2)/28 read R/W & 36 36 of the Drugs and Cosmetic Act.

3. It is submitted that the petitioner has been falsely implicated in connection with recovery of certain quantity of drugs etc. It is submitted that such recovery has been made from other co-accused persons namely Zarina Khatoon and Md. Asaf @ Asab @ Md. Asab and not from the conscious possession of the petitioner. It is submitted that the petitioner's case stands on



a better footing than the said co-accused persons who have been granted bail by this Court in Cr. Misc. No. 26666 of 2019 and Cr.Misc. No.67569 of 2019 respectively. The petitioner is on bail in one prior case in which he is an accused.

4. Learned APP refers to paragraph 30 of the case diary in which the petitioner along with his wife Zarina Khatoon is said to be implicated in another case, namely Jogbani P.S. Case No. 218 of 2019 which has however not been disclosed in paragraph 3 of the petition.

4. Be that as it may, let the petitioner above named 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 2nd Additional Sessions Judge-cum-Spl. Judge, Araria in connection with Spl. Case No. 398 of 2019 arising out of Jogbani P.S.Case No. 74 of 2019, on the following 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 is not accused in Jogbani P.S.Case No. 218 of 2019.



(iv) 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.

(v) 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)

HR/-

U		T	
---	--	---	--

