

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 9020 of 2021

Arising Out of PS. Case No.-94 Year-2019 Thana- KATIHAR GRP CASE District- Katihar

MD. AZIMUDDIN @ AZIM Resident of Village-Sisauna, Ward No.-10, P.S.-
Jokihatt, District-Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate
For the Opposite Party/s : Ms. Pushpa Sinha No. 1, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

2 02-07-2021

In view of sudden resurgence of COVID – 19 infection there is limited functioning of the High Court and therefore the matter has been listed for consideration through virtual mode.

Heard learned Counsel for the petitioner and the learned APP for the State.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in Katihar Rail PS Case No. 94 of 2019 registered under Sections 401, 414, 379, 411/34 of the IPC and Sections 20/22 of the NDPS Act .

The petitioner has been apprehended from the railway platform while he was allegedly fleeing away. There is alleged recovery of one purse containing Antivan 2 milligram tablets, two hundred rupees and Adhar Card.

It is submitted by learned Counsel for the petitioner that Antivan tablet is Lorazepam at serial 210 of the table forming part of NDPS Act. Small quantity in respect of the said substance is up to 10



mg. From the petitioner's possession 48 milligram has been recovered and the same is much below the small quantity. It is submitted that the said drug is an anti depressant medicine and the petitioner was required to carry it for medical purpose with him in the purse. Under such circumstances, it is submitted that the petitioner is in custody since 4.12.2019. Counsel submits that based on his criminal antecedent in eight cases he has falsely been implicated in this case, whereas he is on bail in all other eight cases pending against him since before.

Learned APP has opposed the prayer for bail.

Considering the rival submissions as also the facts and circumstances of the case, prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge, IV, Katihar in Katihar Rail PS Case No. 94 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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