

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19191 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- KURSAILA District- Katihar

Md. Sah Jahan, Son of Md. Jabbar Resident of Village-Dumaria, P.S.-
Kursela, Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shaukat Alam, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 29-07-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

Let the defect(s) be removed within four weeks of the
complete start of the physical Court in normal course.

The petitioner is in judicial custody in connection
with Kursela P.S. Case No.195/2021 instituted under Section
20/22 NDPS Act.

Allegation in the FIR is that the police upon
information apprehended a person near '*Kabir Math*' who was
moving on a motorcycle. He disclosed his name as Sahjahan,
the petitioner herein and upon search it is alleged that 5 kg.
'*Ganja*' was recovered. As he failed to submit any document to
support the said possession, the same was seized and the
petitioner was taken into custody.

Learned counsel for the petitioner submits that he is a



labourer, has being in custody since 01.01.2022 (as stated in para-12 of the bail application) and charge-sheet has been submitted. He further submits that he has already suffered though he has no criminal antecedent.

Taking into account the aforesaid facts including that he has no criminal antecedent, he is in custody since 01.01.2022 and charge-sheet stands submitted, this Court is inclined to grant him privilege of bail. However, if it is found that he do have criminal antecedent this bail shall become infructuous.

Let the petitioner be released on bail on furnishing bail bond of Rs.20,000/-(Rupees Twenty Thousand) with two sureties of the like amount each in connection with Kursela P.S. Case No.195/2021 to the satisfaction of learned District & Sessions Judge, Katihar, subject to following conditions:

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reasons will entail cancellation of his bail by the Trial court itself;

(iii) the petitioner shall appear before the concerned



police station every month for next six months to mark his presence;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Prakash Narayan /-

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