

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2311 of 2023

Arising Out of PS. Case No.-108 Year-2022 Thana- KIUL RAIL P.S. District- Lakhisarai

Md. Ekram @ Ekram @ Suko S/o Md. Yusuf R/o- Ghasiyar Mohalla, Ward
No. 12, P.S.- Kotwali, District- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manohar Prasad Singh, Advocate

For the Opposite Party/s : Mr. Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 27-04-2023 Heard Mr. Manohar Prasad Singh, learned counsel

appearing on behalf of the petitioner and Mr. Narsingh Tanti,

learned Additional Public Prosecutor for the State.

The petitioner seeks bail, who is in custody, in
connection with Kiul Rail P.S. Case No. 108 of 2022 (NDPS
Case No. 8 of 2022), registered for the offences punishable
under Section 414 of the Indian Penal Code and Section 21(b)
of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It is alleged that in course of official duty, the Railway
police, on suspicion, apprehended five persons and in course of
search, incriminating materials have been recovered from the
person or possession of all of them.

Submission has been made on behalf of the petitioner
that the petitioner was a *bona fide* passenger and even as per the



seizure list, it is evident that save and except cash of Rs.6846/- and a mobile, there is no incriminating material suggesting the complicity of the petitioner in the crime. He next submits that the petitioner having fair antecedent is in custody since 20.09.2022 and the charge-sheet has already been submitted, apart from the fact that the other co-accused persons, from whose possession incriminating material has been recovered, they have been allowed the privilege of bail.

On the other hand, learned APP for the State opposed the bail application, however, he shown his inability to confront the submission that the other co-accused persons have been enlarged on bail.

Regard being had to the submissions made on behalf of the parties and considering the fact that no incriminating material has been recovered, except cash and mobile, coupled with the fact that the investigation is complete, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Lakhisarai in connection with N.D.P.S. Case No. 8 of 2022 arising out of Kiul Rail P.S. Case No. 108 of 2022, subject to the condition that one of the bailors will be the close relative of the



petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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