

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11001 of 2023**

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

Md. Sarfaraz @ Md. Chand, Son of Md. Haidar Ali, R/O Mohalla-
Puravsarai, Azad Colony, Ward No.21, Munger, P.S.- Kotwali, District-
Munger

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Sanjay Kumar Mishra, Advocate

For the Opposite Party : Mr. Tarun Prasad Mandal, APP

**CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER**

2 04-05-2023 Heard Mr. Sanjay Kuamr Mishra, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Rail Kiul P.S. Case No. 108 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.

The Railway police in course of enquiry apprehended five persons, including the petitioner, and on search 8 Ativan tablets of 2 Mg was recovered from the possession of the petitioner along with mobile.

It is submitted by the learned counsel appearing on behalf of the petitioner that in fact nothing has been recovered from the person or possession of the petitioner and he was a bonafide passenger, however, the police apprehended the



petitioner, only on the basis of suspicion and thereafter recovery has been shown from his possession. It is next submitted that the recovered medicine, namely, Ativan, containing Lorazepam, is under small quantity, inasmuch as no case under Section 21 (b) of the NDPS Act is made out. So far the recovery of mobile phone is concerned, that is purchased by the petitioner, a receipt of which has been brought on record by way of Annexure-2. He next submits that the other co-accused persons have also been allowed the privilege of bail by this Court as well as by the learned coordinate Bench of this Court.

On the other hand, learned APP for the State opposes the bail application and submits that the petitioner is carrying four criminal cases over his head.

Regard being had to the submissions made on behalf of the parties and considering the nature of recovery and also the fact that other accused persons have already been allowed the privilege of bail, coupled with the period of custody and the fact that the petitioner is already on bail in other criminal cases, let the petitioner, named above, 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 District and Sessions Judge, Lakhisarai in connection with Rail Kiul P.S. Case No. 108 of 2022, subject to the condition that one



of the bailors will be the close relatives 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.

(v) The court below shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take immediate step for cancelling the bail bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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