

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.15554 of 2016

Arising Out of PS.Case No. -285 Year- 2015 Thana -RANIGANJ District- ARRARIA

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Md. Samsad Alam @ Shamshad

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vikram Singh, Adv.

For the Opposite Party/s : Mr. Navin Kumar Pandey (App)

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 07-04-2016

Heard learned counsels for the petitioner and the State.

The petitioner is languishing in jail since 25.12.2015 in a case registered for the offences punishable under Sections 20 and 22 of the NDPS Act.

15 Kgs. ganja were recovered from the possession of the petitioner.

It is submitted by learned counsel for the petitioner that the petitioner has no criminal antecedent and only on suspicion the petitioner has been roped in the present case. Moreover, investigation has already concluded.

Considering the recovery of contraband between small and commercial quantity, this Court is not inclined grant bail to the petitioner at present.

Accordingly, the prayer for bail of the petitioner is

rejected in connection with Special Case No. 21 of 2015 arising out of Raniganj P.S. Case No. 285 of 2015 pending in the court of Sessions Judge, Araria.

It is expected from the learned court below to go through the NDPS Act as the Ganja is item no. 55 of the Schedule notification under the NDPS Act which reflects that 1 kg ganja is small quantity and 20 Kg. ganja is commercial quantity but the learned Sessions Judge recorded that 15 kg ganja is commercial quantity.

(Dinesh Kumar Singh, J)

Amrendra/-

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