

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.55168 of 2016**

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

=====

Md. Samsad Alam @ Samshad

.... .... Petitioner/s

Versus

State of Bihar & Anr

.... .... Opposite Party/s

=====

**Appearance :**

For the Petitioner/s : Mr. Vikram Singh

For the Opposite Party/s : Mr. Mithilesh Kumar Khare

=====

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      03-05-2017                      This matter has been taken up out of turn on the request of learned counsel for the petitioner.

Heard learned counsels for the petitioner and the State.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 20 and 22 of the NDPS Act.

Earlier, the petitioner's prayer for bail was rejected vide order dated 7.4.2016 passed in Cr. Misc. No. 15554 of 2016. The petitioner is languishing in custody since 25.12.2015.

There is recovery of 15 kilograms of ganja from the possession of the petitioner.

It is submitted by learned counsel for the petitioner



that the learned Sessions Judge rejected the prayer for bail on the wrong ground that the as per the Schedule Notification under N.D.P.S. Act 15 kilograms of ganja is commercial quantity whereas the recovery is between small and commercial quantity. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent. It is further submitted that the petitioner has been roped in the present case. There is no likelihood of the conclusion of trial in near future.

A supplementary affidavit dated 8.2.2017 has been filed bringing on record the order dated 10.3.2017 to suggest that no witness has been produced.

Considering the fact that the petitioner has no criminal antecedent as stated in paragraph 3 of the petition, he is languishing in custody since 25.12.2015 and the recovery is between small and commercial quantity, let the above named petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Araria in connection with Special Case No. 21 of 2015 arising out of Raniganj P.S. Case No. 285 of 2015.

The learned court below will positively cancel



the bail bonds of the petitioner in case he gets substantially involved in similar nature of offence or defaults without any reasonable cause on two consecutive occasions.

**(Dinesh Kumar Singh, J)**

Anil/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

