

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.58200 of 2017

Arising Out of PS. Case No.-391 Year-2016 Thana- SAHARSA District- Saharsa

Md. Shamshad @ Md. Samshad, son of Late Md. Abdul Hamid @ Md. Hamid, resident of Mohalla- Fish Market, P.S. Saharsa, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Sri Pushpendra Kumar Singh, Adv.
For the Opposite Party/s	:	Sri Ram Naresh Rai, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

3 13-12-2017 Heard Sri Pushpendra Kumar Singh , learned counsel for the petitioner and Sri Ram Naresh Rai, learned Additional Public Prosecutor

This is second attempt for grant of bail on behalf of the petitioner. Earlier, by order dated 24.11.2016 vide Cr. Misc. No. 34999 of 2016 , the prayer for bail of the petitioner was rejected. Learned counsel for the petitioner submits that petitioner is in custody since 04.06.2016 and in the present case recovered Ganja was weighing only 13.1 Kilogram , which was not beyond commercial quantity. He further submits that one of the co-accused namely Md. Mahtab, whose prayer for bail was earlier rejected, had renewed prayer for bail and by order dated 18.10.2017 in Cr. Misc. No. 36241 of 2017 he has been extended the privilege of bail by this court .

Learned Additional Public Prosecutor though has opposed the



prayer for bail , he was not in a position to dispute the fact that co- accused has been granted bail.

Considering the fact that after earlier rejection of the prayer for bail of this petitioner, the co-accused almost in similar circumstances has been extended the privilege of bail as well as considering the quantity of recovered Ganja, there is no reason to deny the same relief to the petitioner.

Accordingly , let the petitioner Md. Shamshad @ Md. Samshad be enlarged on bail on furnishing bail bond of Rs. 10,000 /- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge -cum- Special Judge, Saharsa / concerned court in connection with Special Case No. 03 of 2016 (arising out of Saharsa Sadar P.S. Case No. 391 of 2016) with condition that one of the bailors must be blood relation of the petitioner and secondly, during trial the petitioner shall remain physically present before the court below on each and every date. If continuously on two dates without prior permission of the trial court he remains absent, his bail bond shall stand automatically canceled.

(Rakesh Kumar, J)

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