

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40577 of 2019

Arising Out of PS. Case No.-1238 Year-2017 Thana- SAHARSA District- Saharsa

MD. SAHJAD Son of Late Abdul Hamid Resident of village Machhli Market
D.B.Road Ward No. 21 Saharsa P.S. and District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh

For the Opposite Party/s : Mr.Shantanu Kumar

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA

ORAL ORDER

5 14-08-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in Special Case No. 06/2017,
arising out of Saharsa Sadar P.S. Case No. 1238/2017, instituted
for offences under Section(s) 120(B) of the Indian Penal Code
read with Sections 20 and 22 of NDPS Act.

Earlier prayer for bail of petitioner was rejected by
this Court vide order dated 21.01.2019 passed in Cr. Misc. No.
75941/2018, by which trial court was directed to expedite the
trial.

It is alleged in the written report that informant/S.I.
Sadar P.S., Saharsa reached at Fish Market, D.B. Road, Saharsa
along with other officials and raided the house of Md. Samsad
and Md. Sahjad. Seeing the police party two female and one



male members managed to escape. On search of the house of Md. Samsad, police recovered huge quantity of *Ganja* kept in plastic packets as well as in cigarettes and also cash of Rs. 1,67,750/-.

On search of the house of this petitioner, the police recovered total 2kg 700gm *Ganja* kept in several plastic packets and several cigarette packets filled with *Ganja* as mentioned in the written report along with amount of Rs. 84,436/-. From the *Gumati* of petitioner total 3kg. 200gm. *Ganja* and cash of Rs. 1,630/- was recovered. Accordingly seizure list was prepared in presence of independent witnesses.

Learned counsel for petitioner has submitted petitioner has clean antecedent.

Report from the court below about stage of trial has been received, wherein it is mentioned that charge has not been framed in this case.

Petitioner is in custody since 07.09.2018.

There is no likelihood of early conclusion of trial. From report of trial court it appears that charge has not been framed till date.

Considering the aforesaid facts and circumstances, prayer of the petitioner for grant of bail is allowed. Let the petitioner, above named, 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 the learned Special Judge, NDPS Act-cum-Sessions Judge, Saharsa, in connection with Special Case No. 06/2017, arising out of Saharsa Sadar P.S. Case No. 1238/2017, subject to the conditions that

- (I) both the bailors shall be the close relative of the petitioner.
- (II) Petitioner shall be present on each and every date fixed by the court and absence on two consecutive dates without valid reason will result in cancellation of bail bond of the petitioner and
- (III) if petitioner tamper with the evidence in the case, prosecution will be at liberty to move for cancellation of bail bond of the petitioner.

(Sanjay Priya, J)

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