

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.28471 of 2021**

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

Md. Shamsad, aged about 30 years, Male, S/O Late Abdul Hamid, R/O Mohalla-D.B. Road, Machhali Market, Police Station-Saharsa Sadar, District-Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner : Mr. Dinesh Maharaj, Advocate

For the Opposite Party : Mr. Uma Shankar Pd. Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      16-12-2021      Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of eight weeks.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner is apprehending his arrest in connection with Special Case No. 6/2017, arising out of Saharsa Sadar P.S. Case No. 1238/2017 for the offence registered under Sections 120(B) of the I.P.C. and Sections 20 and 22 of the N.D.P.S. Act.

The prosecution story, in brief, is that 4.05 kg. *Ganja*, 150 pieces of *Cigarette* filled with *Ganja* and cash of Rs. 1,67,750/- are said to have been recovered from the house of the petitioner, 2.700 kg. *Ganja*, 900 pieces *Cigarette* and cash of Rs.



84,436/- are said to have been recovered from the house of the co-accused Md. Sahjad and 320 *Gram Ganja*, 400 pieces of *Cigarette* filled with *Ganja* and cash of Rs. 1630/- are said to have been recovered from the *Gumti* of co-accused Md. Sahjad.

It has been submitted by learned counsel for the petitioner that the petitioner has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that 4.05 kg. *Ganja*, 150 pieces of *Cigarette* filled with *Ganja* and cash of Rs. 1,67,750/- are said to have been recovered from the house of the petitioner, 2.700 kg. *Ganja*, 900 pieces *Cigarette* and cash of Rs. 84,436/- are said to have been recovered from the house of the co-accused Md. Sahjad and 320 *Gram Ganja*, 400 pieces of *Cigarette* filled with *Ganja* and cash of Rs. 1630/- are said to have been recovered from the *Gumti* of co-accused Md. Sahjad. The recovered *Ganja* is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. It is further submitted that at the relevant time the petitioner was in jail.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.



Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned Special Judge-cum-Sessions Judge, Saharsa, in connection with Saharsa Sadar P.S. Case No. 1238/2017, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

**(Sudhir Singh, J)**

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