

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56380 of 2023

Arising Out of PS. Case No.-240 Year-2021 Thana- SURSAND District- Sitamarhi

MD. SAMIM @ CHHOTE ANSARI @ SAMIM ANSARI @ MD. SAMIM
ANSARI S/O MD. MUSLIM ANSARI R/O VILLAGE- PATHANPURA,
WARD NO.- 14, P.S.- SURSAND, DIST.- SITAMARHI.

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH DRI MUZAFFARPUR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Adv.

For the Opposite Party/s : Mr. Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sursand
P.S. Case No. 240 of 2021 registered for the offence under
Sections 8, 20(b)(ii)(B) of the N.D.P.S. Act.

Earlier the prayer for bail of this petitioner has been
rejected vide order dated 25.01.2023 passed in Cr. Misc. No.
31212 of 2022.

Recovery is of 2 Kgs. of Ganja from the possession of
the petitioner.

Learned counsel appearing for the petitioner submits
that the petitioner is innocent and has falsely been implicated in
this case. He further submits that on bare perusal of the F.I.R. and



the seizure list, it appears that two kgs. of Ganja have been recovered from the bag of the petitioner and 500 gm charas has been recovered from the bag of the co-accused, Shibu Sahni. He further submits that the recovery of alleged contraband from the possession of the petitioner is less than the commercial quantity, therefore, there would not be embargo of Section 37 of the NDPS Act for grant of bail to the petitioner even though F.S.L confirms that the recovered contraband is Ganja. Moreover, co-accused, Subodh Kumar Raut @ Subodh Kumar has already been granted bail by a co-ordinate Bench of this Court vide order dated 05.01.2022 passed in Cr. Misc. No. 45379 of 2021. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.09.2022.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that the petitioner carries twelve cases other than the present one and in all cases he has been allowed as manifest from paragraph-3 of the petition.

Considering the facts and circumstances of the case, 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 A.D.J.-II, -cum-Special Judge, NDPS Act, Sitamarhi in connection with Sursand P.S.



Case No. 240 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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