

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66907 of 2022

Arising Out of PS. Case No.-216 Year-2022 Thana- CHAKIA District- East Champaran

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SAMIM ANSARI @ NASIM ANSARI S/O Md. Suleman Ansari R/O
Village- Rajpur (Azad Nagar), P.S- Kesariya, District- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Riya Giri, Advocate

Mr.Sumit Kumar Jha, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No.1, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 23-02-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with N.D.P.S.
Case No. 39 of 2022, arising out of Chakia P.S. Case No. 216 of
2022 registered for the offence under Sections 20, 22 and 24 of
the N.D.P.S. Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.05.2022.

The allegation against the petitioner is to have in
possession of 554 Gram contraband i.e. “Charas” where total
weight is inclusive of bag containing contraband.



Learned counsel appearing on behalf of the petitioner submitted that alleged recovery of contraband i.e. Charas not appears to be made from the conscious physical possession of the petitioner, where compliance of Section 50 of the N.D.P.S. Act, which is mandatory provision of law also not appears to be complied of. It is further submitted that recovered amount is less than commercial quantity of one (1) KG and, as such, the barrier of Section 37 of the N.D.P.S. Act not appears applicable in this case. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and, moreover, investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tempering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that alleged recovery of charas is less than commercial quantity.

In view of the facts and circumstances as mentioned above and by taking note of the fact as alleged recovery of contraband i.e. charas is less than commercial quantity, where compliance of Section 50 of the N.D.P.S. Act appears to be doubtful on its face coupled with the fact that charge-sheet has been submitted, let the petitioner, above named, is directed to be



released on bail in connection with Chakia P.S. Case No. 216 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-05, East Champaran, Motihari/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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