

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.57772 of 2024**

Arising Out of PS. Case No.-5 Year-2024 Thana- THAKURGANJ (R.T) District- Katihar

1. Fariyad Ansari Son of Salim Ansari Village- Manna Tili, PO And Ps- Dalkhola, Dist- Uttar Dinajpur, West Bengal
2. Sammu Ansari @ Shambhu Ansari Son of Late Salim Ansari Village- Manna Tili, PO And Ps- Dalkhola, Dist- Uttar Dinajpur, West Bengal

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

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

For the Opposite Party/s : Mr.Shyameshwar Dayal, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA**

ORAL ORDER

2      21-08-2024                      Heard learned counsel for the petitioners and  
  
learned APP for the State.

2. The petitioners seek bail in connection with  
  
Thakurganj Railway P.S. Case No. 05 of 2024 (Katihar  
  
NDPS Case No. 27 of 2024) instituted for the offences under  
  
Sections 8(c), 21(b) of the NDPS Act, 1985.

3. As per prosecution case, the police has recovered  
  
25.100 gram Smack, mobile phone and Rs. 2020/- from the  
  
possession of petitioner no.1 and Rs. 4200/- and mobile  
  
phone from the possession of the petitioner no.2.

4. Learned counsel for the petitioners submits that



the petitioners are innocent and have committed no offence as alleged against them and have falsely been implicated in the present case. He further submits that nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners have no concern with the seized contraband. The quantity of contraband (smack) recovered is less than 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 Section 42 and 50 of the N.D.P.S. Act. The petitioners have no criminal antecedent and are languishing in judicial custody since 17.05.2024 without any rhymes or reason.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioners and the petitioners having no criminal antecedent, let the petitioners, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Thakurganj Railway P.S. Case No. 05 of 2024 (Katihar NDPS Case No. 27 of 2024).

**(Rudra Prakash Mishra, J)**

rishi/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

