

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21279 of 2025

Arising Out of PS. Case No.-278 Year-2024 Thana- Marnga District- Purnia

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Samsher Alam S/o- Md. Alijan Resident of Village- Bangali Tola, Satsang
Vihar, Ps- Maranga Dist- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

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

ORAL ORDER

2 04-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner apprehends his arrest in connection
with Special Case No. 187 of 2024, arising out of Maranga P.S.
Case No. 278 of 2024 instituted for the offence under Sections
8(c) & 20(b) of the NDPS Act.

3. Prosecution case in brief is that the police has
recovered total 23 grams of illicit smack (brown sugar) from the
possession of three accused persons.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence as alleged
against him and has falsely been implicated in the present case.
No incriminating article has been recovered from the conscious



or physical possession of the petitioner. Apprehended co-accused persons have disclosed the name of the petitioner and have stated that the smack in question was purchased from the petitioner, though the same has no evidentiary value in the eye of law. The recovered contraband is below the commercial quantity. Hence, Section 37 of the NDPS Act is not applicable in the present case. The petitioner bears one criminal antecedent, as per disclosure made in paragraph No.3 of the bail petition. Other co-accused from whom recovery was made have been granted regular bail by this Court vide orders dated 05-02-2025 & 13-02-2025, passed in Cr. Misc. No. 4554 of 2025 & Cr. Misc. No. 6277 of 2025, respectively.

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

6. Considering the aforesaid facts and circumstances of the case as also the nature and gravity of offence, in my view, this is not a fit case for grant of anticipatory bail, hence, I am not inclined to grant anticipatory bail to the petitioner.

7. Accordingly, the prayer for grant of anticipatory bail to the petitioner is, hereby, *rejected*.

8. However, if the petitioner surrenders before the court below within a period of four weeks from today and prays



for regular bail, the same would be considered by the court below in accordance with law without being prejudiced by the order of this Court.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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