

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69575 of 2025

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

Samsher Alam @ Md. Samsher Alam S/O Md. Alijan Resident of Village-
Bengali Tola, Satsang Bihar, P.S- Maranga, Dist.- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Binod Kumar, A.P.P.

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

ORAL ORDER

3 28-01-2026 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Spl. Case
No. 187 of 2024, arising out of Maranga P.S. Case No. 278 of
2024, instituted for the offences under Sections 8(c) and 21(b)
of the N.D.P.S. 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.
He further submits that earlier vide order dated 04.04.2025
passed in Criminal Miscellaneous No. 21279 of 2025, the



anticipatory bail application of the petitioner was rejected by this Court. He further submits that 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 five criminal antecedents, as per disclosure made in paragraph No.3 of the bail petition. The petitioner is in custody since 28.06.2025. 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. Learned APP for the State opposes the prayer for grant of bail. He further submitted that petitioner has five criminal antecedent of similar nature.

6. Considering the aforesaid facts and circumstances of the case, nature and gravity of offence and also taking into consideration five criminal antecedents of similar nature, this Court is not inclined to grant bail to the petitioner at this stage.



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

8. Learned Trial Court is directed to expedite the trial.

9. However, liberty is granted to the petitioner to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of six months from today. If any such application is filed before the learned court below, the court concerned shall consider the same on its own merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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