

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12624 of 2024

Arising Out of PS. Case No.-260 Year-2023 Thana- SIKTI District- Araria

Shashi Kant Mishra, Male, aged about 38 years, Son Of Late Madhukant Mishra, Resident Of Village-Dahgama Ward No.-4, Police Station-Sikty, District-Araria.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Superintendent of NCB, Bihar, Patna Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

2 28-02-2024 Heard learned counsel appearing on behalf of the parties.

2. The petitioner seeks bail in connection with Sikty P.S. Case No.-260 of 2023 registered for the offence under Sections 8/20(b)(ii)(B) of the NDPS Act.

3. As per the prosecution case, it is a case of recovery of 1.850 kg. ganja was recovered from a bag.

4. Learned counsel appearing on behalf of the petitioner submits that petitioner has falsely been implicated in this case and no search and seizure is made in accordance with law. Petitioner has got clean antecedent as stated in para-3 of the petition and he is in custody since 05.10.2023.

5. Learned APP for the State opposes the prayer for bail of the petitioner.

6. On perusal of the first information report and



seizure list, it appears that 1.850 kg. Ganja was recovered from the possession of the petitioner just more than small quantity and no independent witness of seizure list, in these circumstances, prayer for bail of the petitioner is hereby allowed. Let the petitioner, above named, be directed to be released on bail ***after framing of the charge*** in connection with Sikty P.S. Case No.260 of 2023 on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge-cum-Special Judge, NDPS Act, Araria.

7. The trial court is directed to conclude the proceeding of framing of charge according to law within a period of 15 (fifteen) days from the date of receipt of a copy of this order. However, it is made clear that ***if the charge-sheet has not been submitted*** then the above named petitioner shall be released on bail on furnishing bail bond with further condition that the petitioner have to present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

Brajesh Kumar/-

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