

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25456 of 2024

Arising Out of PS. Case No.-10 Year-2024 Thana- MURAR District- Buxar

Kishori Sah, aged about 81 years, Gender-Male, Son of Late Thanaku Sah @
Thalku Sah, Resident of Village- Chougain, Paschimpatti, P.S- Murar,
District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyapal Singh, Advocate
For the Opposite Party/s : Mr. Kanhiya Kishor, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

2 04-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Murar
P.S. Case No. 10 of 2024 instituted for the offences punishable
under Sections 20(B)IIA and 27(a) of the N.D.P.S. Act and
Section 30(a) of the Bihar Prohibition and Excise (Amendment)
Act.

3. As per the prosecution case, total 196 gm of *Ganja*
has been recovered from the possession of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence and has
falsely been implicated in this case. He further submits that the
said *Ganja* is recovered in a small quantity which is less than



commercial quantity. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 24.02.2024.

5. Learned APP opposes the prayer for bail.

6. From perusal of the FIR, seizure list and the impugned order of the learned District and Sessions Judge-cum-Special Judge N.D.P.S. Act, Buxar dated 12.03.2024, it appears that the seized articles have been recovered from the possession of the petitioner and recovery of Ganja falls under small quantity which is less than commercial quantity as well as there is no any independent witness of the seizure list, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Sessions Judge-cum-Special Judge, N.D.P.S. Act, Buxar in connection with Pre-Trial N.D.P.S. Case No. BRBU10P0002502024 / Murar P.S. Case No. 10 of 2024.

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 petitioner shall be released on bail on above conditions and he shall be present physically on each and every date before the Trial Court till conclusion of the proceeding of framing of charge.

(Ramesh Chand Malviya, J)

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