

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70068 of 2024

Arising Out of PS. Case No.-103 Year-2024 Thana- SRINAGAR District- West Champaran

Bhuteli Sah, S/o- Late Gaya Sah, resident of Village- Bagahi Baghambarpur,
Ward No 2, P.S.- Srinagar, District- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raki Alam, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 23-10-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Srinagar P.S. Case No. 103 of 2024 registered for the offences punishable under Sections 20(b)(iii)(A) of the Narcotic Drugs and Psychotropic Substances Act (hereinafter referred to as ‘the NDPS Act’).

3. The allegation against the petitioner is of involved in selling Ganja, the police conducted raid in the house of the petitioner. However, noticing the police party, allegedly the petitioner succeeded in fleeing away. In course of search, 174 gms of Ganja along with Rs.5059/- was recovered from a black box.

4. Learned Advocate for the petitioner contended that the seizure list suggests that the contraband articles have been



recovered from the house of the petitioner, but surprisingly there is no signature of any of the family members of the petitioner on the seizure list. Had the alleged contraband seized from the house of the petitioner, there would have been certainly the signature of any family members of the petitioner or the copy of the same must have been given to them, but the seizure list does not speak about that. It is further contended that there is no compliance of Section 42 of the NDPS Act. Moreover, even the sample of the alleged Ganja like substance has not been sent to the Forensic Science Laboratory for its examination. The petitioner is a man of 70 years old, having fair antecedent and the alleged recovered Ganja like substance is small quantity and, as such, rigors provided under Section 34 of the NDPS Act is also not applicable.

5. On the other hand, learned APP for the State opposes the bail application and submits that contraband substance has been recovered from the house of the petitioner and, as such, his complicity cannot be ruled out.

6. Regard being had to the submissions made on behalf of the parties and considering the old age of the petitioner and the infirmities in the search and seizure, coupled with the fair antecedent, let the petitioner, named above, in the event of



his arrest or surrender before the court below within four weeks from the date of receipt/production of a copy of this order, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge (NDPS), West Champaran in connection with Srinagar P.S. Case No. 103 of 2024, subject to the condition as laid down under Section 438 (2) of the Cr.P.C. with the further condition that one of the bailors shall be the own/close relative of the petitioner.

(Harish Kumar, J)

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