

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31901 of 2026

Arising Out of PS. Case No.-61 Year-2026 Thana- CHOUTARWA District- West Champaran

Kashi Sah S/O Late Tilakdhari Sah R/O Vill.- Raybari Mahuahwa, P.s.-
Chautarwa, Dist.- West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-05-2026 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending arrest in connection with Chautarwa P.S. Case No. 61 of 2026, dated 08.02.2026, lodged under Sections 8, 20(b) (ii) (B) and 29 of the N.D.P.S. Act, 1985.

3. As per the prosecution, FIR has been lodged against three named accused persons including the present petitioner stating that when the petitioner was subjected to search, he threw one bag into a nearby house. Upon recovery, it was found that 2.430 kg of ganja had been recovered.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel further submits that the petitioner is an old-aged person of 76



years, though the police has shown his age in the FIR as 55 years. Counsel further submits that Accused No. 1 is his son and Accused No. 3 is his daughter-in-law. However, it is submitted that the petitioner has four sons and partition had already taken place in the family. In support of the same, it is submitted that the partition took place before the Sarpanch, in which the shares of the family members were separated. Counsel further submits that after partition, the petitioner is living separately and has no concern with the other family members. Counsel further submits that the petitioner has unnecessarily been made an accused in the present case. Counsel also submits that there is one criminal antecedent of the petitioner, but the said case does not relate to the NDPS Act. Furthermore, counsel submits that the partition deed has been attached as Annexure P/3.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that from the pleadings and Annexure P/3, it transpires that partition had taken place among the family members.

6. Considering the facts and circumstances of the present case, let the above-named petitioner be released on anticipatory bail, in the event of arrest or surrender before the Trial Court within a period of 4 weeks from today, on furnishing



bail bond of Rs.30,000/- (Rupees Thirty Thousand) as mentioned in Section 2(1)(d) of the BNSS, 2023 to the satisfaction of Exclusive Special Judge, (N.D.P.S.), West Champaran, Bettiah, in connection with Chautarwa P.S. Case No. 61 of 2026, subject to the conditions as laid down U/s 482(2) of the BNSS, 2023.

(Dr. Anshuman, J.)

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