

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34674 of 2026

Arising Out of PS. Case No.-186 Year-2026 Thana- SITAMARHI District- Sitamarhi

Kameshwar Sah @ Kamlesh Sah S/o Shivnandan Sah Resident of Rupauli,
Ward No.-07, P.S.- Bathnaha, District - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Rajdeep, Advocate.

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

CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

2 20-05-2026 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

2. The petitioner has prayed for regular bail in a case registered for the offence punishable under sections 8/21(B) (ii) (b) of the NDPS Act.

3. The case of the prosecution, in short, is that from the shop of this petitioner Spam-10 tablets – 174 pieces, Nitrosun-10 tablets – 121 pieces, altogether 295 pieces of intoxicant tablets and 17 grams of Ganja, Tazowin narcotic injection 30 mg/ml, Corex cough syrup 105 pieces 100 ml each and Corex syrup 19 pieces of 100 ml each was recovered.

4. Learned counsel for the petitioner submits that at annexure- 2, the petitioner has licence under Drugs and Cosmetics Act which is valid upto 23.01.2029. He has further submitted that petitioner is a valid licence holder and the medicines which are recovered from possession of this petitioner was hold by him under



the licence, as such, no offence is made out against the petitioner for the recovery of the medicine and as far as the recovery of 17 gram of Ganja is concerned he has no knowledge about the same. It is also submitted that all the witnesses to the seizure list are police personnel, and the police have not complied the mandatory provisions of Section 105 of the B.N.S.S. It is further argued that the alleged recovered quantity of ganja is much less than small quantity. The petitioner is in custody since 13.03.2026 and has criminal antecedents of two cases.

6. Learned APP appearing for the State has vehemently opposed the prayer of regular bail.

7. Considering the aforesaid facts and circumstances of the case, this court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be released on bail in connection with Sitamarhi P.S. Case No. 186 of 2026 on furnishing bail bond of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Special Judge (NDPS), Sitamarhi/concerned Court.

(Ashok Kumar Pandey, J)

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