

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28053 of 2018

Arising Out of PS.Case No. -62 Year- 2018 Thana -NAUGACHIA District- BHAGALPUR

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Upendra Paswan S/o Late Tarni Paswan, R/o Vill.- Mushari Tola, Mumtaz
Mohalla, P.S.- Naugachia, District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amrendra Kumar

For the Opposite Party/s : Mr. Atul Chandra

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**

ORAL ORDER

3 18-05-2018 Heard the learned counsel for the petitioner as
well as the learned A.P.P. for the State.

In this application the petitioner seeks bail in
connection with Naugachia P.S. Case No. 62 of 2018 for the
offences punishable under sections 20/22 of the N.D.P.S. Act,
1985.

Allegedly, from the tea shop of the petitioner 104
grams of ganja was recovered.

Submission is of false implication and that
nothing has been recovered from conscious possession of the
petitioner, without complying the mandatory provision the alleged
seizure has been shown, the alleged seized quantity is in the
category of small quantity for which only six months punishment



is prescribed, the petitioner has got no criminal antecedent, he is in custody since 23.03.2018 and other co-accused Barun Kumar Sahu has already been allowed bail vide Cr. Misc. No. 27497 of 2018 by order dated 07.05.2018 by another co-ordinate Bench of this Court.

The learned A.P.P. fairly submits that the recovered ganja comes under the purview of small quantity.

In the facts and circumstances stated above, the petitioner above named, is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of A.D.J-IV-Cum- Special Judge, Bhagalpur in connection with the aforementioned case, subject to the conditions that one of the bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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