

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26022 of 2021

Arising Out of PS. Case No.-366 Year-2020 Thana- BIHPUR District- Bhagalpur

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Hridya Nand Upadhayay @ Hridya Nand Updhayay Son Of Late Devnandan
Upadhayay Resident Of Village - Sonaree, P.S.- Deoria (Uttar Pradesh)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ram Pravesh Nath Tiwari

For the Opposite Party/s : Mr. Bal Mukund Prasad Singh

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

3 20-12-2021 The applicant/accused in Crime No. 22 of 2020 registered with Bihpur (Bhawanipur) Police Station for the offences punishable under sections 8, 20(b)(11)(c) and 22 of NDPS Act by this application is seeking his release on bail during pendency of the trial by contending that the applicant is behind the Bars from 15.9.2020.

The learned counsel for the applicant argued that the applicant had been to Kamakhya temple and while returning, three of the Honda City Car offered lift. He, therefore, occupied the as during the period of pandemic Covid-19, trains were not running. However, ultimately it was found that the said Car, was containing Ganja. Therefore, the applicant is entitled to bail.

Learned APP opposed the application.

I have considered the submission so advance and



perused the material placed before me. The applicant along with co-accused who are driver and co-villager were found to be traveling in the Honda City Car. From that Honda City Car Ganja weighing 90 kilograms kept concealed, came to be recovered. Thus, the quantity recovered is more than commercial quantity. Whether the applicant was possessing or transporting the contraband or whether he was just a gratuitous passenger in the car will have to be looked into at the time of trial after cross-examination of the prosecution witnesses.

Considering the rigour of Section 37 of the NDPS Act no case for grant of bail is made out. Accordingly, the application is rejected.

(A. M. Badar, J)

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