

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26561 of 2020

Arising Out of PS. Case No.-68 Year-2018 Thana- DANIYAWAN District- Patna

UPENDRRA RAI Son of Jamuna Rai Resident of Village - Brahmrauja, P.S. -
Gayghat, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Surendra Kumar Mishra

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 12-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered under
Sections 20/22 of the NDPS Act.

Earlier prayer for bail of the petitioner was rejected
vide Annexure-1 to the present application taking into account
the recovery of 102.100 kg. Ganja, which is above the
commercial quantity.

A report was called for from the trial court. It has been
reported that charge has yet not been framed in this case.

On behalf of the petitioner, it is submitted that there is no
allegation of tampering of witnesses alleged against the
petitioner. The petitioner is in custody since 25-05-2018. Charge
sheet has already been submitted. The petitioner has been made
accused in the present case due to mistake of fact. The Ganja in



question is said to have been recovered from the house of co-accused Rajni Devi. The total quantity of recovered Ganja is said to be 102.100 kg. The other co-accused with similar allegation have been granted bail by a coordinate bench of this court by order dated 24-07-2019 passed in Cr. Misc. No. 36877 of 2019 (Annexure-3) as also by this bench vide order dated 10-06-2020 passed in Cr. Misc. No. 4756 of 2020 (Annexure-3/1). There is no likelihood of the trial being concluded in near future.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner, above named, 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 learned Sessions Judge/Special Judge, Patna in connection with Special Case No. 51 of 2018 arising out of Daniyawan P.S. Case No. 68 of 2018.

(Sudhir Singh, J)

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