

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70883 of 2021**

Arising Out of PS. Case No.-614 Year-2021 Thana- GOPALGANJ TOWN District-
Gopalganj

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UPENDRA SHARMA S/o Shiv Adhar Sharma R/o village- Banjari, P.S.-
Town, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nawnit Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Syed Ehteshamuddin, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 29-04-2022 Heard the parties through video conferencing.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

Petitioner, who is in custody since 01.09.2021, seeks
regular bail in connection with Gopalganj P.S. Case No. 614 of
2021 dated 23.08.2021 registered for offences punishable under
Section 414 of the Indian Penal Code and Section 20 b (ii)
(B)/23 N.D.P.S. Act.

Allegation is of recovery of 750 gms of *Ganja*
(Marijuana) and a splendour motorcycle bearing Registration
No. BR-28-W-5170.

Learned counsel appearing on behalf of the petitioner
submits that nothing has been recovered from the possession of



the petitioner. From the seizure list it would appear that total recovery is 750 gms of marijuana which is less than minimum quantity which is 1 kg. The alleged motorcycle which has been recovered belongs to one Vijay Yadav, who is also a co-accused. Petitioner has clean antecedent and is in custody since 01.09.2021.

Learned A.P.P., for the State has opposed the prayer for grant of bail to the petitioner.

Considering the facts and circumstances of the case as well as the period of custody undergone by the petitioner, without going into the merits of the case, the petitioner, above named, is directed to be released on bail upon furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ-I CUM Special Judge NDPS Gopalganj in connection with Gopalganj P.S. Case No. 614 of 2021 dated 23.08.2021 subject to the following conditions:

(i) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.



(iii) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(iv) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bond.

(Purnendu Singh, J)

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