

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6802 of 2024

Arising Out of PS. Case No.-102 Year-2022 Thana- SURSAND District- Sitamarhi

Umesh Yadav @ Umesh Kumar Yadav Son of Late Nageshwar Yadav R/o vill
- Raima, P.S. - Saharghat, Distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jagjit Roshan, Advocate

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

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner is apprehending his arrest in connection with Sursand (Bhita O.P.) P.S. case No. 102 of 2022 instituted for the offences under Sections 414 of the Indian Penal Code and 8(c), 2(b)(ii)(c), 22(c), 23(c), 25 and 29 of the N.D.P.S. Act.

3. Prosecution case, in short, is that 108.6 Kg *ganja* has been recovered from Scorpio vehicle.

4. Learned counsel for the petitioner submitted that the petitioner has falsely been implicated in the present case. Petitioner has got two criminal antecedents. There is no allegation of tampering of witnesses alleged against the



petitioner. No incriminating material has been recovered from the conscious possession of the petitioner. There is no compliance of Section 42 and 50 of the N.D.P.S. Act. He further submitted that co-accused person has already been granted regular bail by a co-ordinate Bench of this Court vide order dated 18.08.2023 passed in Cr. Misc. No. 50097 of 2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner and submitted that the recovered contraband is above the commercial quantity, hence, there is bar under Section 37 of the N.D.P.S. Act. Learned APP further submitted that regular bail of the co-accused person namely Avinash Kumar @ Vicky has already been rejected vide order dated 11.03.2024 passed in Cr. Misc. No. 51960 of 2023.

6. Considering the aforesaid facts and circumstances of the case and recovery of contraband beyond the commercial quantity coupled with embargo under Section 37 of the NDPS Act, this Court is not inclined to grant bail to the petitioner.

7. The prayer is rejected.

(Rudra Prakash Mishra, J)

Alok Verma/-

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