

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39919 of 2024

Arising Out of PS. Case No.-327 Year-2023 Thana- BUXAR District- Buxar

Motit @ Bhaiya @ Mohit Kumar @ Mohit Upadhyay @ Satya Prakash
Upadhyay Son of Vinod Kumar Upadhyay Resident of Village- Buxar Golam-
bar ,Near TVS Agency, P.S- Buxar ,Town District- Buxar

... .. Petitioner/s

Versus

The State of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

Mr. Amit Kumar Pandey

For the Opposite Party/s: Mr. Shailendra Kumar

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 31-07-2024 Heard the parties.

2. The petitioner seeks bail in connection with a case regis-
tered for the offence punishable u/s 20(b)(ii)(B)/27(a) of the
NDPS Act.

3. Allegedly, two persons were apprehended by the police and
the police recovered 7.80 kg *ganja* like intoxicating substance and
one mobile phone from their possession. The apprehended co-ac-
cused Ashish Kumar stated that the petitioner had delivered *ganja*
to them for carrying the same from railway station to his house.

4. It is submitted by learned counsel for the petitioner that pe-
titioner is quite innocent and has not committed any offence as al-
leged in the FIR. He has been falsely implicated in this case due
to enmity. There is general and omnibus allegation against the pe-
titioner. There is no specific overt act against the petitioner. There



is no recovery from the conscious possession of the petitioner. His name transpired only on the basis of confessional statement of apprehended co-accused. The petitioner has two criminal antecedent and has been rotting in judicial custody since 17.03.2024.

- 5. Learned APP for the State opposed the prayer for bail.
- 6. Considering the facts and circumstances of this case and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Buxar (Town) P.S. Case No.327 of 2023.
- 7. The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(Anjani Kumar Sharan, J)

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