

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48757 of 2024

Arising Out of PS. Case No.-95 Year-2024 Thana- CHHAURADANO District- East
Champaran

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Upendra Dubey Son of Late Ramadhar Dubey R/O Vill.- Barhrwa, P.S.-
Sugauli, Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :
For the Petitioner/s : Mr. Dhannjay Kumar No 2, Advocate
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

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

ORAL ORDER

2 24-07-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in N.D.P.S. Case No. 36 of
2024, arising out of Chhauradano P.S. Case No. 95 of 2024,
instituted for the offences under Sections 8 and 20(b)(ii)(B) of
the NDPS Act.

3. Prosecution allegation, in short, is that, there is
recovery of 3.500 Kg *ganja* in a plastic bag from the motorcycle
of the petitioner.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner further submits that the petitioner is the owner of the motorcycle in question and he has got not concern with the alleged recovery of *ganja*. The recovered contraband is below the commercial quantity. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 23.04.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Learned counsel for the petitioner also submitted that similarly situated co-accused has been granted bail by this Court vide order dated 03.07.2024 passed in Cr. Misc. No. 45320 of 2024.

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

6. Considering the aforesaid facts and circumstances of the case, the recovered contraband being below the commercial quantity, the period of custody undergone by the petitioner and claim based on parity, this Court is inclined to grant bail to the petitioner.

7. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court



below/concerned Court in connection with N.D.P.S. Case No.
36 of 2024, arising out of Chhauradano P.S. Case No. 95 of
2024.

(Rudra Prakash Mishra, J)

Rajorshi/-

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