

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58712 of 2024

Arising Out of PS. Case No.-141 Year-2024 Thana- KESARIA District- East Champaran

Upendra Sah S/O Asarfi sah Resident of village- Usari, P.S- Baikunthpur,
District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Adv.

Mr. Hemant Ray, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 12-09-2024 Heard learned counsel for the petitioner and
learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with Kesariya (Bijdhari) P.S. Case No. 141/2024, N.D.P.S. G.R. Case No. 45/2024 dated 11.05.2024 registered for the offence punishable u/s 8, 20(b) (ii) (B) of the N.D.P.S. Act.

3. As per the prosecution case, two miscreants were coming on the scooty and on seeing the police, they started to flee away but they were apprehended by the police who disclosed their names as Upendra Sah (petitioner) and Munna Prasad Yadav. On search of the said



scooty, total 9 kgs. *ganja* was recovered.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. The seized contraband is less than commercial quantity. The petitioner is the owner of the said Scooty but the said vehicle was not being driven by the petitioner at the time of the alleged recovery. The co-accused person has already been granted regular bail by this court vide order dated 21.08.2024 passed in Cr. Misc. No. 57268 of 2024. The petitioner has clean antecedent as stated in para 3 of the bail petition. The petitioner is in custody since 12.05.2024.

5. Learned A.P.P. for the State has vehemently opposed the bail petition of the petitioner. It is further submitted that the petitioner along with the co-accused was found sitting on the said vehicle and they were found in possession of the said *ganja*. They had no valid authorization for keeping the same.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty



Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, East Champaran, Motihari in connection with Kesariya (Bijdhari) P.S. Case No. 141/2024, N.D.P.S. G.R. Case No. 45/2024.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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