

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71247 of 2023

Arising Out of PS. Case No.-48 Year-2023 Thana- KANHHAULI District- Sitamarhi

UPENDRA MUKHIA Son of Devnarayan Mukhia VILLAGE
LAKSHMIPUR PS MALANGWA DISTRICT SARLAHI NEPAL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raja Ram Rai

For the Opposite Party/s : Mr.J.N. Thakur

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

11 25-07-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. In this case, the petitioner is seeking regular bail in connection with Kanhauli P.S. Case No. 48 of 2023, registered for the offences punishable under Section 8/20(B), (ii)(c) of the NDPS Act.

3. As per allegation, the informant along with other police party were on patrolling duty and intercepted the vehicle of the petitioner. On search, 32.3. kg of *ganja* was recovered from his motorcycle.

4. The learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. Nothing was recovered from his possession. He has



submitted further that Section 50 of the NDPS Act has not complied with.

5. On the other hand, Sri J.N. Thakur, the learned APP for the State has opposed the prayer for bail and submitted that the *ganja* recovered from possession of the petitioner is above commercial quantity. The FIR shows itself that the alleged contraband was recovered from motorcycle of the petitioner, as such, there is no need of compliance of Section 50 of the NDPS Act.

6. Considering the above-mentioned facts and circumstances, I am not inclined to grant bail to the petitioner, which is hereby rejected.

(Nawneet Kumar Pandey, J)

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