

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80081 of 2024

Arising Out of PS. Case No.-233 Year-2024 Thana- UJIYARPUR District- Samastipur

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Umesh Ray Son of Krishana Ray R/O Vill.- Ramchandrapur Andhail, P.S.-
Ujiyarpur, Dist.- Samastipur.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The NCB, Bihar Patna

... .. Opposite Party/s

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Appearance :

For the Petitioner/s :	Mr. Bijay Bhushan Prasad, Advocate
For the Opposite Party/s :	Mr. Nirmal Kumar Sinha, APP

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

ORAL ORDER

3 10-01-2025 Heard Mr. Anant Kumar Mishra, learned counsel for the
petitioner and learned APP for the State.

2. The petitioner seeks bail in Ujiarpur P.S. Case No.
233 of 2024, instituted for the offences punishable under
Sections 8, 20(b), 8(a) of the NDPS Act and Section 37(c) of the
Bihar Prohibition and Excise Act.

3. The prosecution case, in short, is that there is
recovery of 1 Kg 300 gm *ganja* from the house of co-accused
Ram Nath Das and the petitioner was in drunken condition. The
petitioner was apprehended on spot.

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. The recovered contraband is below the commercial quantity. It is further submitted that the petitioner has got no concern with the alleged recovery of *ganja*. Hence, Section 37 of the N.D.P.S. Act is not applicable in the present case. The petitioner is in custody since 04.09.2024 and has got no criminal antecedent. There is no compliance of Sections 42 and 50 of the N.D.P.S. Act. Other co-accused has been granted bail by this Court *vide* order dated 30-10-2024, passed in Cr. Misc. No. 78293 of 2024.

5. Learned APP 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 and the period of custody undergone by the petitioner, 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/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Ujarpur P.S. Case No. 233 of 2024.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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