

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.27999 of 2015

Arising Out of PS.Case No. -114 Year- 2015 Thana -SIKARPUR District-
WESTCHAMPARAN(BETTIAH)

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1. Asmun Nesha W/o Late Mulajam Shekh Resident of Village Nautanawa,
P.S. Shikarpur, District West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Opposite Party/s : Mr. Binod Kumar(App)

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**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 15-10-2015 Heard the learned counsel for the petitioner as well as
the learned A.P.P.

The petitioner seeks bail in a case for the offences
punishable under sections 20, 22, 23, 24, 27 (A) and 29 of the
NDPS Act.

Allegedly, acting on a tip off that a women is going
with charas, the informant lodged sanha and proceeded with the
police party and at about 10.30 AM a lady along with the bag got
down from a tempo and then the lady chaukidar asked her to stop
and in presence of two independent witnesses bag was searched
and six packets charas each containing about 500 grams were
recovered from the bag total 3 kgs.



Submission is of false implication. The alleged seizure list does not contain either the signature or thumb impression of the petitioner which is evident from paragraph-1 of the case diary itself. Further, there is no compliance of sections 50 and 52 of the N.D.P.S. Act. As a matter of fact, the petitioner has been made escape goat. She is lady aged about 65 years and suffering in custody since 15.03.2015. The alleged search and seizure has been done in complete violation of sections 42 and 43 of the N.D.P.S. Act also. She was not searched in presence of Gazetted Officer or Magistrate and as such she deserves sympathetic consideration.

The learned A.P.P. after going through the case diary fairly submits that on the seizure list there is no signature or thumb impression of the petitioner but charge sheet has already been submitted against the petitioner and other.

In the facts and circumstances as stated above, as the seizure list does not bear either signature or thumb impression of the petitioner and as such the petitioner is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge, West Champaran at Bettiah in Shikarpur P.S. Case No. 114 of 2015, subject to the conditions that one of the

bailors must be a near relative and another having sufficient immovable property within the territorial jurisdiction of the court concerned and the petitioner shall remain present on each and every date during trial and the default on two consecutive dates on his part without any reason shall disentitle the petitioner from privilege of bail.

(Jitendra Mohan Sharma, J)

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