

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.12674 of 2015

Arising Out of PS.Case No. -192 Year- 2013 Thana -RAXAUL District- EAST CHAMPARAN
(MOTIHARI)

Sushila Devi, W/o Siyaram Giri, Resident of Village- Tumaria Tola, P.S. -
Haraiya (Raxaul), District - East Champaran (Motihari) Petitioner

Versus

The State of Bihar Opposite Party

Appearance :

For the Petitioner/s : Mr. Shri Prakash Tiwari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

3 15-04-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner has renewed her prayer for bail in
connection with NDPS Case No. 107 of 2013 arising out of
Raxaul P.S. Case No. 192 of 2013 registered for the offences
punishable under Sections 20, 22, 23 and 24 of the NDPS Act.

The prayer for bail of the petitioner was earlier
rejected by this Court vide order dated 23rd January, 2014 passed
in Cr. Misc. No. 3117 of 2014 with following observations:-

“The learned 1st Additional Sessions Judge,
Motihari, East Champaran is directed to expedite
the trial of N.D.P.S. Case No. 107 of 2013 arising

out of Raxaul P.S. Case No. 192 of 2013 and conclude the same as early as possible and preferably within one year from the date of receipt/production of a copy of this order.”

By order dated 25th March, 2015 I had called for a report from the learned 1st Additional District & Sessions Judge, East Champaran at Motihari regarding status of trial of the case. In compliance of the aforesaid order, the learned 1st Additional District & Sessions Judge, East Champaran at Motihari has sent his report in which he has contended that out of the six charge-sheet witnesses, only one has been examined by the prosecution till date and the others have failed to turn up despite issuance of non-bailable warrant of arrest against them.

It has been contended that though charges were framed on 14th December, 2013 but till date only one witness has been examined. Learned counsel for the petitioner has further contended that the asbestos house of the petitioner from where 50 kgs of ganja kept in plastic bags is alleged to have been recovered was being used as cow shed (*goshala*) and for keeping waste materials, garbage, cow dung, etc. The petitioner had no knowledge as to who had kept the suspected contraband in her *goshala*. The further contention is that the petitioner is a quite old lady aged about 70 years and has no direct concern with the

contraband alleged to have been recovered. Lastly, it has been contended that the informant of the case being the officer-in-charge of Raxaul Police Station did not comply with the mandatory provision prescribed under Section 42(2) of the N.D.P.S. Act, 1985.

Learned counsel for the State has opposed the prayer for bail.

Regard being had to the facts and circumstances of the case, 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 the learned 1st Additional District & Sessions Judge, East Champaran at Motihari in connection with NDPS Case No. 107 of 2013 arising out of Raxaul P.S. Case No. 192 of 2013.

(Ashwani Kumar Singh, J.)

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