

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.28730 of 2016

Arising Out of PS.Case No. -272 Year- 2010 Thana -BARUN District- AURANGABAD

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Teishun Nisha @ Teishun Bibi W/o Gulbush resident of Badi Bazar
Mohania Ward No. 12, Police Station- Mohania, District- Bhabhua.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kamendra Pd. Singh

For the Opposite Party/s : Mr. Smt. Veena Rani Prasadd.

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

02/ 11-08-2016

Heard learned counsels for the petitioner

and the State.

The petitioner is languishing in custody since 06.05.2016 in a case registered for the offences punishable under Sections 17, 21, 22, 25, 27 and 27(A) of NDPS Act.

The prosecution case is that 150 Grams and 97 Grams of Heroin were recovered from the conscious possession and house of co-accused Anil Chaudhary respectively. In course of investigation Anil Chaudhary disclosed that he used to purchase the Heroin from Tej Bahadur Roy and used to sell to Nathuni Sah, Guddu Choudhary, Gulam Pir @ Langara, Bhola Paswan, Indra Chandra Sah and the petitioner Teishun Nisha @ Teishun Bibi.

It is submitted by learned counsel for the

petitioner that the recovery has not been made from the petitioner and even assuming the accusation no offence under Section 27A of NDPS Act is made out, hence, the embargo of Section 37 of the NDPS Act will not apply to the petitioner. The petitioner is a lady having no criminal antecedent, statement to that effect has been made in paragraph 3 of the petition. Moreover, similarly situated co-accused Indra Chandra Sah and Tej Bahadur Roy have been granted bail vide Cr. Misc. Nos. 10546 of 2011 and 13863 of 2011,

Considering the aforesaid facts, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge 1st, Aurangabad in connection with Barun P.S. Case No. 272 of 2010.

(Dinesh Kumar Singh, J)

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