

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.32637 of 2016

Arising Out of PS.Case No. -103 Year- 2015 Thana -PALANWA District-
EASTCHAMPARAN(MOTIHARI)

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Babita Devi wife of Late Prakash Patel,

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 03-08-2016 Heard learned counsels for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since 14.11.2015 in a case registered for the offences punishable under sections 20(b)/22/23/24 of The Narcotic Drugs and Psychotropic Substances Act, 1985, in connection with NDPS Case No. 62/2015, pending before the learned 3rd Additional Sessions Judge-cum-Special Judge, Motihari, District-East Champaran.

Prosecution case is that the Sub-Inspector of 13 Battalion, SSB. G. company, Bhelahi, received information that a lady is carrying narcotic substance from Nepal via Bhelahi to Auto stand Raxaul when the lady was intercepted, who disclosed her name as petitioner, Babita Devi and from her possession 4 kilogram 'charas' like material was recovered.

It is submitted by learned counsel for the petitioner that the petitioner was simply carrying a three years old baby and the recovery was from the Auto. The FIR was registered on 13.11.2015, but the sample of the seized contraband was sent to the Director, Forensic Science Laboratory on 19.01.2016 and without report of the FSL the final report (charge-sheet) has been submitted on 20.03.2016, under sections 20(b)/22/23/24 of the NDPS Act. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.

Considering the commercial quantity of recovery and the specific accusation under section 24 of the NDPS Act, this court is not inclined to grant bail to the petitioner at present. Accordingly, the application for bail on behalf of the petitioner is rejected.

However, it is expected from the learned trial Court to get the FSL report called for from the Director, Forensic Science Laboratory before conclusion of trial.

(Dinesh Kumar Singh, J)

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