

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.36146 of 2016

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

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Ramdeyi Devi W/o Bhola Paswan, R/o Mohania Ward No. 12, P.S.
Mohania, District- Kaimur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh

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

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

02/ 29-08-2016

Heard learned counsels for the petitioner and
the State.

The petitioner is languishing in custody since
15.05.2016 in a case registered for the offences punishable under
Sections 17, 21, 22, 25, 27 and 27(A) of the NDPS Act.

The prosecution case is that the house of Anil
Choudhary was raided and from there 150 grams Heroin was
recovered. During investigation Anil Choudhary disclosed that he
used to sell the Heroin after purchasing from co-accused Tej
Bahadur Roy, Teinshun Nisha @ Teishun Bibi and the petitioner
Ramdeyi Devi.



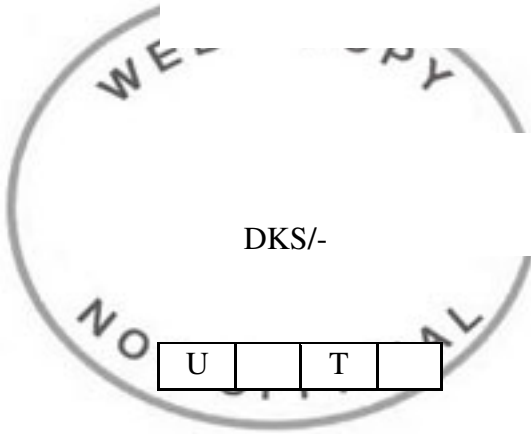
It is submitted by learned counsel for the petitioner that admittedly there is no recovery from the petitioner. Statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent and petitioner is a lady. Though, the case was registered in 2010 but the petitioner has been arrested on 15.05.2016 since the petitioner was not aware about the false implication in the present case. It is further submitted that, though, the case has been registered under Section 27A of the NDPS Act but the embargo under Section 37 of the NDPS Act will not apply since the accusation does not constitute any offence under Section 27A of the NDPS Act.

Mr. J.N. Thakur, learned counsel for the State admits that the recovery has not been made from the petitioner.

Considering the fact that there is no recovery from the petitioner and the petitioner has no criminal antecedent, 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 Sessions Judge – cum- Special Judge, Aurangabad in connection with Barun P.S. Case No. 272 of 2010.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in two eventualities i.e. if

she defaults for two consecutive occasions or substantially gets involved in similar nature of offence.



(Dinesh Kumar Singh, J)