

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.43567 of 2017

Arising Out of PS.Case No. -129 Year- 2017 Thana -DURGAWATI District- BHABHUA
(KAIMUR)

=====

1. Chanda Gupta Daughter of Brij Bhushan Sah, resident of Mohalla-Khilariganj, Police Station- Sasaram, District- Rohtas. At present Khajura Bazar, Police Station- Durgawati, District- Kaimur (Bhabua).

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra

For the Opposite Party/s : Mr. Arun Kumar Singh -5

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 17-10-2017 Heard learned counsel for the petitioner and

learned APP for the State.

Petitioner is languishing in custody since 03.07.2017 in connection with NDPS Case No. 10 of 2017, arising out of Durgawati P.S. Case No. 129 of 2017 for offences punishable under Sections 8/20(b)(iii)(c)/25/27(A) of the Narcotic Drugs and Psychotropic Substance Act.

The prosecution case, as lodged by the police personnel, is that on vehicle checking from a duster car huge quantity of ganja was recovered in which co-accused Mithilesh Kumar Sharma, Vinod Sah and Manoj Kumar Gupta were found travelling. On their confession, the house of



co-accused Raj Kumar Gupta and shop of co-accused Munna Sah was raided and huge quantity of ganja about 56 kgs was recovered. From the house of Raj Kumar Gupta 22.950 kgs of ganja was recovered in a room which was closed in which the petitioner and her mother Bechri Kunwar was found. Accordingly, a seizure-list was prepared.

It has been submitted by the learned counsel for the petitioner that she is innocent, bears no criminal antecedent and does not even stay in the house and had come to see her ailing mother. The allegation upon the petitioner is that she resisted the recovery process as she along with Bechri Kunwar reluctantly opened the room from where 22.950 kgs of ganja was found under the bed. He submits that charge-sheet has already been submitted and nothing has been recovered from her conscious possession and that she had not been named by the other co-accused, who were apprehended by the police in the car dealing with contraband item like ganja. He further submits that the petitioner is a lady and is not involved in any such activity.

However, learned APP for the State opposes the prayer for bail stating therein that the petitioner was also



apprehended along with other co-accused Raj Kumar Gupta and from the room where the petitioner was residing more than the commercial quantity of ganja was recovered.

Considering the facts and circumstances and the materials on record and that nothing has been recovered from the conscious possession of the petitioner and only allegation is that petitioner was reluctant to open the door of the room where ganja was recovered, let petitioner, above named, be enlarged on bail on completion of six months in custody on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge cum Special Judge, Kaimur at Bhabua, in connection with NDPS Case No. 10 of 2017, arising out of Durgawati P.S. Case No. 129 of 2017, subject to the following conditions :

- (i) Both the bailors would be close relatives of the petitioner having sufficient immovable property, who will file an affidavit stating their relationship with the petitioner.
- (ii) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without assigning any reason will entail cancellation of his bail bonds.



(iii) If the petitioner indulges in an offence of similar nature in future, the prosecution will be at liberty to move the learned court below for cancellation of her bail bonds.

(Nilu Agrawal, J)

Rajesh/-

U		T	
---	--	---	--

