

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.287 of 2017

Arising Out of PS.Case No. -277 Year- 2016 Thana -BAHERA District- DARBHANGA

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Samida Khatoon, Wife of Taj Mohammad Khan @ Taj Mohammad,
resident of village - Basuham, P.S. - Bahera, District - Darbhanga.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner : Mr. Manish Kumar No 13, Advocate.

For the Opposite Party : Mr. Aditya Narayan Singh 1, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 13-01-2017 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending her arrest in connection with Bahera P.S. Case No. 277 of 2016, giving rise to G.O. Case No. 19 of 2016 for the offences instituted under Sections 8, 20(b)(ii)(A), 22(b)(ii)(B) and 25 of the N.D.P.S. Act.

The prosecution story, in brief, is that on secret information, the informant after constituting police party conducted raid at the houses of Gulfam Khan, Taj Mohammad Khan (husband of the petitioner), Brahamdeo Lal Deo and Dev Chandra Jha and from their places huge quantity of Ganja were recovered and aforesaid persons were found in illegal sale and purchase of Ganja.



It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. She was not present at the time of search and seizure. Hence, no offence under NDPS Act can be attracted against her. She is a lady.

On behalf of the State, it has been submitted that the petitioner is named in the F.I.R. Her husband is in custody in connection with drugs trafficking. From the house of the petitioner, 04 Kg. Ganja has been recovered.

Considering the aforesaid facts and circumstances, I am not inclined to grant anticipatory bail to the petitioner. The same is rejected in connection with Bahera P.S. Case No. 277/2016, giving rise to G.O. Case No. 19/2016, pending in the court of learned Special Judge/Sessions Judge, Darbhanga, Bihar. If the petitioner surrenders in the court below, the same shall be considered on its own merit without being prejudiced by the order of this Court if possible, preferably on the same day.

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(Sudhir Singh, J)

