

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.2069 of 2017

Arising Out of PS.Case No. -737 Year- 2015 Thana -BIHTA District- PATNA

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Kalpana Devi, W/o Shive Kumar, Resident of Dihari, P.S.- Bihata, District-
Patna.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Pandey

For the Opposite Party/s : Mr. Indra Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

2 30-01-2017 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

The petitioner apprehends her arrest in connection with
Bihta P.S. Case no. 737 of 2015 (Special Case No. 21 of 2015),
registered under Sections 20 and 22 of The Narcotic Drugs and
Psychotropic Subs Trances) Act.

The accusation is that on receiving secret information
about selling of 'Ganja' by the petitioner Kalpana Devi, wife of Shiv
Kumar Sharma in village Dihri. The Police reached at the house of
Shiv Kumar Sharma then saw that one lady of short height was fleeing
from the house of Shiv Kumar Sharma. The nearby people disclosed
that the lady, who succeeded to flee away, was the petitioner. On
search, three K.G Ganja was recovered from the house of the
petitioner kept in two plastic bags. Sikha Kumari, minor daughter of
the petitioner was present there, who disclosed regarding selling of the



Ganja by her mother. The document was called for regarding selling of Ganja, but Sikha Kumari did not produce any document.

Learned counsel for the petitioner submits that petitioner being the lady has falsely been implicated in this case mere on suspicion. Further submission is that it would appear from the seizure-list that both the witnesses are not the resident of P.O. village, rather they belong to Paharpur and Anandpur, while the villagers are said to be present there. Moreover, the husband of the petitioner is in custody since December and this petitioner has no criminal antecedent.

Having regard to the facts and circumstances of the case, let the above named petitioner, be released on bail, in the event of her arrest or surrender before the learned Court below within a period of four weeks from today, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the Addl. Sessions Judge-II, Patna in connection with Bihta P.S. Case No. 737 of 2015, subject to the condition as laid down under Section 438 (2) of the Cr.P.C.

(Rajendra Kumar Mishra, J)

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