

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1655 of 2018

Arising Out of PS.Case No. -306 Year- 2017 Thana -MALSALAMI District- PATNA

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Kusum Devi

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Bindeshwar Prasad Singh

For the Opposite Party/s : Mr. Pradeep Narain Kumar

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 10-01-2018 Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner is apprehending her arrest in a case instituted under Sections 30(a), 38, 41 of Bihar Prohibition and Excise (Amendment) Act, 2016 and 20, 22(a),(b),(c), 25, 25A of N.D.P.S. Act.

The prosecution story, in brief, is that 240 gram Ganza and 16.200 liters of liquor is said to have been recovered from the joint house of petitioner.

It has been submitted on behalf of the petitioner that the petitioner has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The name of the petitioner has come on the basis of secret information. The source and genuineness of secret information has not been disclosed by the prosecution. Except for this, there is no other



substantive evidence to suggest the implication of the petitioner in this case. It is alleged that 240 gram Ganza and 16.200 liters of liquor is recovered from joint house of petitioner, where other family members also reside. As far as the recovery of Ganza is concerned, the same was below the commercial quantity as per N.D.P.S. Act. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of section 100 of the Cr.P.C.

On behalf of the state, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner above named be released on anticipatory bail in the event of arrest or surrender before the learned court below within a period of six weeks from today in connection with Malsalami P.S. Case No.306/2017, on furnishing bail bond of Rs. 10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VIII-cum-Special Judge, Patna, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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