

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.17220 of 2018**

Arising Out of PS. Case No.-69 Year-2015 Thana- PATNA GRP CASE District- Patna

Sukhiya Bind @ Sukhiya Devi, W/o Late Rajesh Bind, Resident of Village-  
Baresar, P.S.- Jamania, District- Jamania (Gajipur) (U.P.)

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

with

**Criminal Miscellaneous No. 60608 of 2018**

Arising Out of PS. Case No.-69 Year-2015 Thana- PATNA GRP CASE District- Patna

Sukhiya Bind @ Sukhiya Devi, W/o Late Rajesh Bind, R/o Vill.- Baresa,  
P.S.- Jamahia, Distt. - Gajipur (U.P.).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

(In Criminal Miscellaneous No. 17220 of 2018)

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

For the State : Mr. J. N. Thakur, APP

(In Criminal Miscellaneous No. 60608 of 2018)

For the Petitioner/s : Mr. Manohar Prasad Singh, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**

ORAL ORDER

4      28-11-2018                      Heard Mr. Manohar Prasad Singh, learned counsel  
  
for the petitioner and Mr. J. N. Thakur, learned APP for the  
  
State.



The petitioner is in custody since 22.02.2015 in connection with a case registered for the offences punishable under Sections 20 and 22 of the NDPS Act, in connection with G.R.P. Patna P.S. Case No.69 of 2015, pending before the learned ADJ-IX, Patna in Special Case No.9/2015.

The prosecution case got initiated on the basis of written report dated 22.02.2015, submitted by Kumar Deepak, A.S.I. of GRP, Patna to the Station House Officer, Railway Police Station, Patna Junction to the effect that the informant, being the Sub-Inspector of Police posted at Rail P.S. Patna intercepted a lady with a small child in suspicious condition. The lady disclosed her name as Sukhiya Bind and the name of that child as Sharwan Kumar. On search, from the two bags of the petitioner 45 Kgs. of ganja and from the bag of the child 2 kgs ganja were recovered.

It is submitted by learned counsel for the petitioner that the petitioner is a lady, having no criminal antecedent.

Considering the commercial quantity of recovery of ganja earlier prayer for bail of the petitioner was rejected vide order dated 04.05.2016, passed in Criminal Miscellaneous No. 19956 of 2016. Subsequently, the prayer was renewed by filing Criminal Miscellaneous No. 43360 of 2016, which was



dismissed, vide order dated 29.11.2017 for non-prosecution. Thereafter, it appears that Criminal Miscellaneous No. 17220 of 2018, was preferred renewing the prayer for bail of the petitioner, which was filed through Mr. Binay Kumar Sinha, Advocate and registered on 24.03.2018. Thereafter, Criminal Miscellaneous No. 60608 of 2018 was preferred through Mr. Samir Kumar Sinha and Rajkumar, Advocates and was registered on 28.09.2018. Criminal Miscellaneous No. 17220 of 2018 was heard and vide order dated 25.04.2018, a report was called for from the Court of learned Additional Sessions Judge-IX, Patna, as in what circumstances the trial of Special Case No. 09 of 2015, arising out of G.R.P. Patna Case No. 69 of 2015 has not been concluded. The said matter was finally heard on 31.10.2018 and the order, rejecting the prayer for bail of the petitioner, was dictated, but before the order could be signed and pronounced, it was brought to the notice of this Court that Sukhiya Bind @ Sukhiya Devi has filed two applications for grant of bail, being Criminal Miscellaneous No.17220 of 2018 and Criminal Miscellaneous No.60608 of 2018, when this Court directed the matter to be listed on 05.11.2018. On 05.11.2018, the matter was adjourned for 28.11.2018 enabling learned counsel for the petitioner to seek instructions and file affidavit.



Today, i.e. 28.11.2018, an affidavit has been filed by Mr. Samir Kumar Sinha, AOR No. 00660 to the effect that due to wrong instruction of the deponent, second criminal miscellaneous application has been filed with similar prayer during pendency of the first application. It appears that both the applications have been sworn by the brother-in-law (Devar) of the petitioner namely, Chanesar Bind @ Chanesar Paswan.

This Court is really dismayed to find that in several applications in connection with the cases of NDPS Act, the forgery has been committed and the matters have been referred to the CBI, despite this such practice is still being continued.

In pursuance to order of this Court dated 25.04.2018, a report, kept at Flag'A' has been transmitted by the learned ADJ-IX, dated 02.07.2018 through Letter No. 146 of 2018, which reflects that out of nine prosecution witnesses, eight have been examined and there is likelihood of trial being concluded within four months.

Considering the commercial quantity of recovery of ganja and the report of the learned Court below, suggesting the trial is at the verge of conclusion, this Court is not inclined to interfere. Hence, the prayer for bail of the petitioner is rejected.

Accordingly, both the applications are disposed of.



However, Mr. Binay Kumar Sinha, Advocate is warned to be careful in future regarding the filing of more than one bail application of a petitioner arising out of same P.S. case.

**(Dinesh Kumar Singh, J)**

Ashwini/-

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