

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17843 of 2018

Arising Out of PS. Case No.-42 Year-2018 Thana- MUFFASIL District- West Champaran

Mst. Poonam Kuwar wife of Late Paras Jha resident of Village -
Pokharbhinda, P.S. - Bettiah Muffasil, District - West Champaran.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma

For the Opposite Party/s : Mr. Sri Braj Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR
ORAL ORDER

4 26-06-2018 Heard learned counsel for the petitioner and the
learned APP for the State.

Petitioner, already in custody, seeks bail in connection
with Bettiah Muffasil P.S. Case No.42 of 2018 registered under
Sections 20, 21 and 23 of the N.D.P.S. Act.

Allegation in brief is that 160 purias of Ganja in total
6 Kgs. and 700 Gms. was recovered from the house of the
petitioner.

Learned counsel for the petitioner submits that there is
violation of Section 50 of the NDPS Act as search was not made
in presence of the Magistrate.

There is no requirement of presence of Magistrate in
case of recovery of Ganja from the house or for raiding the
house. However, the recovery is from the house where several



persons reside and there is no antecedent of the petitioner, so the petitioner Mst. Poonam Kuwar is directed to be released on bail after framing of charge 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, West Champaran at Bettiah in connection with Bettiah Muffasil PS Case No.42 of 2018.

(Arun Kumar, J)

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