

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.26348 of 2018

Arising Out of PS. Case No.-4 Year-2017 Thana- GOVERNMENT OFFICIAL COMP.
District- West Champaran

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1. Kanhaiya Prasad Son of Rudal Prasad
2. Meera Devi ,Wife of Kanhaiya Prasad
Both residents of Village - Nandpur, Police Station :
Shikarpur, District : West Champaran.

... .. Petitioners

Versus

1. The State of Bihar.
2. The Union of India through Director, Narcotics Central Bureau Delhi.

... .. Opposite Parties

Appearance :

For the Petitioner/s : Mr. Ram Adya Singh, Adv.
For the Opposite Party/s : Mr. Satya Prakash Tripathi, Sr.SC.

CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 03-05-2018 Heard Sri Ram Adya Singh, learned counsel for the
petitioners and Sri Satya Prakash Tripathi, learned Senior
Standing Counsel, Customs Department, Govt. of Indian.

Two petitioners, who are in custody in Tr. No.39/2017
arising out of Crime No.V/NCB/PZU/04/2017 registered for
the offence under Section 8(C)/20(B)(II)(C)of the N.D.P.S.
Act, have prayed for grant of bail.

Learned counsel for the petitioners, at the very outset,
submits that so far as the prayer for bail of petitioner no.1 is
concerned, who is owner of the house from where alleged
Charas was recovered, it is difficult for him to press the prayer
for bail. However, in respect of petitioner no.2, it was submitted



that petitioner no.2 has been made accused and arrested only on the ground that she is wife of petitioner no.1 and from the house, recovery was affected. Learned counsel for the petitioners further submits that the petitioner no.2 has neither got any connection with the consignment, nor the same was within her knowledge and everything was done by petitioner no.1.

Sri Satya Prakash Tripathi, learned Senior Standing Counsel of the Customs Department, Govt. of India has opposed the prayer for bail of the petitioners, however in respect of petitioner no.2, he was not in a position to establish as to whether the consignment was kept in the house with consent of petitioner no.2. So far as petitioner no.1 is concerned, he submits that he is owner of the house and from the house recovery of 10 Kg of Charas was shown.

Accordingly, the prayer for bail of petitioner no.1 (Kanhaiya Prasad) stands rejected, due to the reason that he is owner of the house .

So far as petitioner no.2, namely, Meera Devi is concerned, it appears that since she is wife of petitioner no.1, she has been made accused in the present case.

In view of facts and circumstances, particularly the



fact that petitioner no.2 is a lady and wife of petitioner no.1, let petitioner no.2, namely, Meera Devi be released on bail on furnishing bail bond of Rs.10,000/-(ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Addl. District and Sessions Judge, Bettiah (West Champaran) in Tr.No.39/2017 arising out of Crime No.V/NCB/PZU/04/2017.

(Rakesh Kumar, J)

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