

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.77068 of 2018

Arising Out of PS. Case No.-54 Year-2017 Thana- RAXAUL District- East Champaran

Inda Devi Kurmi @ Indra Devi @ Indra Devi Kumari Wife of Umesh Patel,
Resident of Village- Sirisiya Mauje Tola, Police Station- Birganj, District-
Parsa Nepal.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dilip Kumar Tondon

For the Opposite Party/s : Mr.Sri Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 22-01-2019 Heard the learned counsel for the petitioner and the
learned counsel for the State.

The petitioner seeks regular bail in connection
with Raxaul PS case no. 54 of 2017 registered for the offence
punishable under Sections 20, 22, 23, 24 of NDPS Act.

The allegation is regarding recovery of 91 grams
of Heroine having been recovered from the petitioner herein
while she was arrested by the police patrolling party.

The learned counsel for the petitioner has
submitted that the commercial quantity under NDPS Act, 1985
is 250 grams, hence the petitioner should be granted the
privilege of bail. It is further submitted that the petitioner is
having a clean antecedent and is languishing in custody since



11.03.2017.

Per contra, the learned APP for the State has submitted that small quantity is only 5 grams under the NDPS Act, 1985, hence the petitioner is not entitled for grant of regular bail.

Having regard to the facts and circumstances of the case, I find that since Heroine seized from the petitioner is less than the commercial quantity prescribed under Schedule to the N.D.P.S. Act, 1985, there is no impediment in grant of regular bail to the petitioner herein apart from the fact that the seizure list also does not comply to the provisions under Section 100 of Cr.P.C., inasmuch as the same does not bear the signature of the petitioner.

Accordingly, the abovenamed petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of 1st Additional District & Sessions Judge-cum-Special Judge, NDPS Act, East Champaran, Motihari in connection with Raxaul PS case no. 54 of 2017.

(Mohit Kumar Shah, J)

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