

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40880 of 2019

Arising Out of PS. Case No.-199 Year-2017 Thana- PAKRIDAYAL District- East Champaran

LAL MATI DEVI Wife of Dharikchan Mukhiya Resident of Village - Thikaha
Barkat, P.S.- Pakridayal, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Krishna Kant Singh

For the Opposite Party/s : Mr.Gauri Shankar Gupta

CORAM: HONOURABLE MR. JUSTICE S. KUMAR

ORAL ORDER

3 01-10-2019 Heard learned counsel for the parties.

Petitioner who is in custody seeks bail in a case registered for the offence punishable under Sections 22, 23 and 24 of the NDPS Act.

Informant is the sub inspector of police of Pakridayal P.S. and in his written complaint dated 20.12.2017, he has alleged that he received confidential information that petitioner Lalmati Devi, indulged in the business of *Charas* and *Ganja* is standing near Siswa More with Jhola and Bag containing contraband articles and is about to board a Bus and on receipt of said information he reached the place and upon seeing the police she managed to escape and in spite of best efforts she could not be apprehended and from the bag left by her 5 Kg of *Charas* was recovered.



It has been submitted on behalf of the petitioner that she has been falsely implicated in this case and the allegation that she is indulged in illicit sale and purchase of contraband articles is not true as she has got no criminal antecedent. Nothing has been recovered from the possession of the petitioner nor she has been apprehended at the place of occurrence and has been falsely implicated in this case at the instance of her enemies. She is in custody since 12.07.2018.

Considering the aforesaid facts and circumstances of the case and the fact that petitioner was not apprehended at the spot and nothing has been recovered from the conscious possession of the petitioner and has also got no criminal antecedent, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 10,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending **subject to verification that petitioner has no criminal antecedent**, in connection with **Pakridayal P.S. Case No. 199 of 2017**, with following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the



court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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