

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.61513 of 2018

Arising Out of PS. Case No.-169 Year-2018 Thana- SHIVSAGAR District- Rohtas

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Mansha Kumari @ Mansa Kumari, D/o Akshawar Ram, Resident of Tamad,
P.S.-Sonehan District-Kaimur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishore Prasad

For the Opposite Party/s : Mr.Sri Arun Kumar Singh -5

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 08-01-2019 Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner is languishing in custody since
21.05.2018 in a case registered for the offences punishable
under Sections 8/20b (ii) (c) 25/29 of the NDPS Act.

The prosecution case got initiated on the
written report of the informant, Deepak Prakash, Inspector of
Police, Economic Offences Unit is to the effect that on
20.05.2018 at 1.30 P.M. the informant received an information
that Ganja were loaded on a Qualis vehicle bearing Registration
No. C.G. 13U 2840 coming from Odisha. Consequently, raid
was laid and near Shivsagar Toll Plaza the vehicle was



intercepted and it was found that two males were sitting with the driver and two ladies were sitting on the middle seat along with two years old child. The apprehended persons disclosed their name as Sonu Kumar Singh and Anil Kumar and ladies disclosed their name as Anjali Devi and Mansha Kumari (the petitioner). 73 packets wrapped in a plastic were recovered from the vehicle, total weighing 84 kgs 500 gms. From the possession of driver, Sonu Kumar Singh, co-driver, Anil Kumar and both the ladies mobile phones along with sims were also recovered.

It is submitted by learned counsel for the petitioner that petitioner and his sister, co-accused Anjali Devi along with the minor child were simply a passenger in the vehicle as they were returning from Tarachandi temple and on the way they took lift and nothing has been recovered from their possession, hence, no offence under Sections 20b(ii)I(c)/25/29 of the NDPS Act is made out against the petitioner. A statement has been made in paragraph 3 of the petitioner that the petitioner is not having any criminal antecedent.

Case diary was called for but learned APP, Mr. J.N. Thakur after going through the case diary has submitted that no investigation has been done with regard to the petitioner and other lady, whether they were in connivance with the driver



or the co-driver of the vehicle in question or they had any information or knowledge about Ganja being carried in the vehicle in question. On query about the call details of the apprehended persons, in view of recovery of mobile phones from all the four accused persons, the learned APP after going through the case diary submits that investigation has not been done to this effect whether any conversation was made by the accused persons inter se through their mobile, which reflects the casual manner of investigation in a serious nature of offence

Considering the fact that the recovery has not been made from the possession of the petitioner, there is nothing on record that the petitioner is contacted with the vehicle in question and the petitioner is a young unmarried girl, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 Special Judge, NDPS. Rohtas in connection with Shiv Sagar P.S. Case No. 169 of 2018.

The petitioner will regularly appear before the learned Court below during trial, failing which the learned



Court below will be at liberty to cancel the bail bonds of the
petitioner.

(Dinesh Kumar Singh, J)

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