

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5250 of 2020

Arising Out of PS. Case No.-277 Year-2016 Thana- BAHERA District- Darbhanga

SAMIDA KHATOON Wife of Taj Mohammad Khan @ Taj Mohammad
Resident of Village - Basuham, P.S.- Bahera, Distt - Darbhanga.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No 13, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 01-06-2020 The matter has been taken up through virtual Court proceeding.

Heard.

The petitioner has renewed the prayer for bail in a case registered for the offences punishable under Sections 8/20(b) (ii) (A)/20 (b) (B)/25 of The Narcotic Drugs and Psychotropic Substances Act, 1985.

The prosecution case as per the self statement of Dina Nath Mandal, Inspector-cum- S.H.O., Bahera Police Station on 16.09.2016 at 1.45 P.M. is to the effect that on 16.09.2019 at 7.00 A.M., the informant received the secret informant that Gulfam Khan and the wife of imprisoned accused Taj Md. Khan, Saida Khatoon (the petitioner) are dealing with huge quantity of ganja, a raid was laid in the house of Gulfam Khan and Taj Mohammad Khan. From the possession of the petitioner, 4 Kg ganja was recovered, from the house of co-accused, Gulfam Khan, 250



gram ganja was recovered whereas from the house of co-accused, Brahmdev Lal, 1 Kg ganja was recovered.

It is submitted by learned counsel for the petitioner that the recovery has been made from the joint family house of the petitioner and the petitioner, being a lady is languishing in custody since 18.10.2019, the investigation has already been concluded. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent and the petitioner is languishing in custody since 18.10.2019.

Learned APP for the State submits that the recovery has been made from the house of the petitioner and earlier the prayer for bail of the petitioner has been rejected by a Co-ordinate Bench of this Court.

Considering the fact that the petitioner is a lady the recovery of ganja is between small and commercial quantity, investigation being already concluded coupled with statement made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Special Judge/Sessions Judge, Darbhanga (Bihar), in connection with Bahera P.S. Case No.277 of 2016 giving rise to G.O. Case No. 19 of 2016.



However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond on furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Special Judge/Sessions Judge, Darbhanga (Bihar), in connection with Bahera P.S. Case No.277 of 2016 giving rise to G.O. Case No. 19 of 2016.

The learned Court below is at liberty to further extend the period of provisional bail if the lock down is not over in next three months.

(Dinesh Kumar Singh, J)

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