

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22683 of 2020

Arising Out of PS. Case No.-614 Year-2019 Thana- JAKKANPUR District- Patna

Radha Devi @ Bhabhi W/o Guddu Kumar R/o Bhagwatpur, P.S.- Mahua,
Distt- Vaishali at present R/o Mohalla- Vishnupuri Ambedkar Chok, Purani
Bhatti Chitkohra, Anishabad P.S.- Gardanibag, Distt- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs.Rina Sinha

For the Opposite Party/s : Mr.APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-09-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and
learned APP for the State.

Since the court proceeding in physical mode is
non-functional, due to present pandemic, COVID-19, the matter
is listed with defects.

Learned counsel for the petitioner undertakes to
remove the defects within three weeks of resumption of court
proceeding in physical mode. In the eventuality of non-removal
of defects within undertaken period, the office will place the
matter before the bench.

The petitioner is languishing in custody since



20.01.2020 in a case registered for the offences punishable under Sections 8(c), 21(c), 25 & 29 of N.D.P.S. Act, hence, the prayer for bail has been made through the present application.

The prosecution case, as per the self statement of Mukesh Kumar Verma, Inspector -cum- Station House Officer, Jakkanpur Police Station recorded on 14.09.2019 at 8.30 P.M., is to the effect that on the same day, he received a confidential information that one Kariman @ Rajesh Yadav, who resides in a rented house in Chaudhary Bhawan near Shiv Parwati Community Hall, indulged in trade of brown sugar, consequently, a raid was laid and five persons were apprehended, who were packing the narcotic drugs in small sachets. The five apprehended persons disclosed their names as Kariman @ Rajesh Yadav @ Kaling Yadav, Santosh Kumar, Sonu Kumar, Ganesh Kumar and Mithilesh Kumar. On search, 99.44 gms of brown sugar from the possession of co-accused Kariman @ Rajesh Yadav, 55.14 gms from the possession of co-accused Santosh Kumar, 54.23 gms from the possession of co-accused Mithilesh Kumar and 41.1 gms were recovered from the floor wrapped by co-accused Sonu Kumar and Ganesh Kumar and mobile phones and cash were recovered. Apprehended co-accused Kariman disclosed that the brown



sugar was delivered to him by co-accused Santosh Kumar and Mithilesh Kumar and both Santosh Kumar and Mithilesh Kumar disclosed that the brown sugar is being delivered by co-accused Guddu Kumar and one Bhabhi, whose identity was subsequently disclosed as the petitioner, Radha Devi.

It is submitted by learned counsel for the petitioner that there is no recovery from the possession of the petitioner and except the statement of the co-accused, no material has been collected against the petitioner during investigation. The FIR named co-accused Ganesh Kumar has been granted bail by Co-ordinate bench of this Court vide Cr. Misc. No. 6084 of 2020. Though the petitioner is accused in two other cases being Gardanibagh P.S. Case No. 619 of 2019 and Gardanibagh P.S. Case No. 298 of 2012 registered under NDPS Act but it is stated that the petitioner is on bail in Gardanibagh P.S. Case No. 619 of 2019, statement to that effect has been made in paragraph 3 of the petition and in other case she is also on bail but statement to that effect has not been made in the petition and investigation has already been concluded.

Learned APP for the State submits that the name of the petitioner sprang up in the statement of co-accused as the person, who used to deliver the contraband to the persons who



indulged in the trade of narcotic drugs.

Considering the fact that the recovery has not been made from the possession of the petitioner, investigation has already been concluded and petitioner being a lady, 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 Additional Sessions Judge-XXIV, Patna in connection with Special Case No. 174 of 2019/Supplementary record of Special Case No. 113 of 2019, arising out of Jakkanpur P.S. Case No. 614 of 2019.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon 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



Additional Sessions Judge-XXIV, Patna in connection with Special Case No. 174 of 2019/Supplementary record of Special Case No. 113 of 2019, arising out of Jakkanpur P.S. Case No. 614 of 2019.

The learned Court below is at liberty to further extend the period of provisional bail if the court proceeding in physical mode will not resume in next three months.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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