

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.74467 of 2019**

Arising Out of PS. Case No.-55 Year-2019 Thana- DHOLBAJJA District- Bhagalpur

SAMISTHA DEVI Wife of Sunil Sah Resident of Village- Khopariya,  
Tola(Laulagaon East), Ward No. -9, P.S.- Chousa, District- Madhepura  
(Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

**Appearance :**

For the Petitioner/s : Mr.Bachan Jee Ojha  
For the Opposite Party/s : Mr.Ramchandra Sahni

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
**ORAL ORDER**

2      16-01-2020                      Heard learned counsel for the petitioner and  
learned Additional Public Prosecutor for the State.

The petitioner in the present case is seeking  
regular bail in connection with Dholbaja (Kadwa) P.S. Case  
No. 55 of 2019 registered under Sections 8/20(b)(11)  
(c)/29 of the N.D.P.S. Act in N.D.P.S. Case No. 16/2019.

Learned counsel for the petitioner submits that on  
perusal of the first information report it would appear that  
this petitioner and one lady were travelling on the same  
Tempo in which three male members were also travelling.  
On seeking the police party, two male members fled away  
and one Kamal Sharma was arrested who disclosed the  
name of those two persons who had fled away. Allegedly



three bags containing Ganja were seized by police from the said Tempo and one of the bags containing Ganja has been attributed to this petitioner, however learned counsel submits that the bag was not seized from the hand of this petitioner and further from the said bag the Ganja said to have been recovered is of less than commercial quantity. Learned counsel further submits that petitioner has no criminal antecedent and that the person arrested by police has allegedly stated that two of his accomplices fled away on seeing the police party and petitioner is in custody since 22.07.2019 having no criminal antecedent.

Learned A.P.P. for the State has opposed the prayer for bail.

Considering the facts and circumstances of the case wherein it is the submission of learned counsel for the petitioner that on perusal of the first information report it would appear that this petitioner and one lady were travelling on the same Tempo in which three male members were also travelling. On seeing the police party, two male members fled away and one Kamal Sharma was arrested who disclosed the name of those two persons who had fled



away. Allegedly three bags containing Ganja were seized by police from the said Tempo and one of the bags containing Ganja has been attributed to this petitioner, however it is his submission that the bag was not seized from the hand of this petitioner and further from the said bag the Ganja, said to have been recovered, is of less than commercial quantity and that the petitioner has no criminal antecedent and further that the person arrested by police has allegedly stated that two of his accomplices had fled away on seeing the police party, and petitioner is in custody since 22.07.2019 having no criminal antecedent, let the above-named petitioner be released on bail furnishing bail bond of Rs. 15,000/- (Rupees Fifteen Thousand only) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Bhagalpur, in connection with Dholbaja (Kadwa) P.S. Case No. 55 of 2019, N.D.P.S. Case No. 16/2019, subject to the condition as laid down under Section 437(3) Cr.P.C. as under:

- (a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,
- (b) that such person shall not commit an offence



similar to the offence of which he is accused, or suspected,  
of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly  
make any inducement, threat or promise to any person  
acquainted with the facts of the case so as to dissuade him  
from disclosing such facts to the Court or to any Police  
Officer or tamper with the evidence.

**(Rajeev Ranjan Prasad, J)**

Rajeev/-

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