

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 18107 of 2021**

Arising Out of PS. Case No.-158 Year-2020 Thana- BAGHA District- West Champaran

JANKI DEVI @ CHANDA DEVI W/o Saheb Sahani R/o village- Kailash
Nagar Ward No. 07, P.S.- Bagaha (Pathkhauli), District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. THE UNION OF INDIA THROUGH THE DIRECTOR GENERAL
NARCOTIC CONTROL BUREAU NEW DELHI

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Brij Kishor Mishra, Advocate
For the Opposite Party/s : Mr Umesh Lal Verma, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

2 25-10-2021 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Trial No 62 of 2020, CIS
No 16 of 2020 arising out of Bagaha Pathkhauli PS Case No
158 of 2020 instituted for the offence punishable under Sections
8, 20 (B) II (A) of Narcotic Drugs and Psychotropic Substances
Act.

From a wooden box in the informant's house, there is
recovery of 2.700 Kilograms of Ganja like substance, as per
prosecution case.

It is submitted by the learned counsel for the



petitioner that recovery is in contravention of the mandatory procedure prescribed under the Narcotic Drugs and Psychotropic Substances Act. As per prosecution case, recovery is not from the possession of the petitioner and behind her back from her house, and there is no basis for the petitioner's implication based on criminal liability in respect of the alleged recovery. The implication is on extraneous considerations and the alleged quantity recovered is much less than the commercial quantity, though it is more than the small quantity. Having no criminal antecedent, the petitioner has remained in custody since 23.09.2020.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on her furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Sessions Judge -cum- Special Judge, Bettiah, District – West Champaran in connection with Trial No 62 of 2020, CIS No 16 of 2020 arising out of Bagaha Pathkhauri PS Case No 158 of 2020 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if she fails to do so on two consecutive dates, her bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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