

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20231 of 2021

Arising Out of PS. Case No.-713 Year-2020 Thana- AHIYAPUR District- Muzaffarpur

Pooja Devi aged about 23 years (Female) W/o Sunil Kumar Mahto @ Sunil Kr. Mahto Resident of Village- Sahabjpur @ Sahwajpur P.S.- Ahiyapur, District- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Prabhat Kumar Singh

For the Opposite Party/s : Mr. Manoj Kumar - 1

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 09-07-2021 Heard learned counsel for the parties through video conferencing.

The petitioner seeks bail in N.D.P.S. Case No. 72 of 2020, arising out of Ahiyapur P.S. Case No. 713 of 2020, registered for the offence under Section 414/412 of the Indian Penal Code and Section 20/22 of the N.D.P.S. Act.

As per the prosecution case, on a secret information that some miscreants have assembled in the house of co-accused Sunil Mahto, a raid was conducted and two accused persons were arrested, who disclosed their name as Chintu Kumar and Amarjeet Sahni respectively and on their disclosure, the house of co-accused Sunil Mahto was searched and one kg *Ganja* alongwith mobile phone, Rs. 14,000/-, Aadhar Card etc. were



recovered and the petitioner has been made accused in this case because she is wife of co-accused Sunil Mahto.

Nothing has been recovered from the conscious possession of the petitioner and from bare perusal of the FIR, it is apparent that the husband of the petitioner Sunil Mahto has got criminal antecedent and he had kept alleged cash and *Ganja*, which is said to have been recovered from the house of petitioner. It is further submitted that the alleged recovered *Ganja* is of small quantity and as such, rigors of Section 37 of the N.D.P.S. would not be attracted. There is no allegation against the petitioner of tampering with the evidence. Petitioner is lady and is in custody since 01.09.2020.

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

Considering the rival submissions of the parties, materials available on record as well as the fact that petitioner is lady and recovered *Ganja* is of small quantity, the bail petition of petitioner is allowed. 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 5th Additional Sessions Judge, Muzaffarpur in connection with N.D.P.S. Case No. 72 of 2020,



arising out of Ahiyapur P.S. Case No. 713 of 2020, on the following conditions:

“(1) Petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court below and shall remain physically present, as directed by the court below, and on her absence on two consecutive dates without sufficient reason, her bail-bond shall be cancelled by the court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.”

(Prabhat Kumar Singh, J.)

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