

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25491 of 2021**

Arising Out of PS. Case No.-304 Year-2020 Thana- BHAGWANPUR District- Vaishali

VAISHALI DEVI @ DHARAMSHILA DEVI Wife of Late Achhelal Sahani
Resident of Village - Imadpur, P.S.- Bhagwanpur, District - Vaishali.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Vasant Vikas, Advocate

For the Opposite Party/s : Mr. Chandrasen Prasad Singh, APP

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

2 24-09-2021 Learned counsel for the petitioner undertakes to

remove all the defects pointed out by the Stamp Reporter within

four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr.
Chandrasen Prasad Singh, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Bhagwanpur P.S. Case No. 304 of 2020
registered for the offences punishable under Sections 20, 22, 23,
24, 27, 27(A) and 29 of the NDPS Act. The petitioner is in
custody since 28.11.2020. She has otherwise no criminal
antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, the informant along with police party

seized 1kg 500 gram ganja from the roof of Shiv Mandir situated in front of the house of the petitioner Vaishali Devi.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that nothing has been recovered from the conscious possession of the petitioner.

Learned APP for the State has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein allegedly 1.5 kg of ganja has been seized from the roof of the Shiv Mandir situated in front of the house of the petitioner, the petitioner has got no criminal antecedent, the rigors of Section 37 of the NDPS Act is not getting attracted, the petitioner is in custody since 28.11.2020 and investigation against her is complete, let the petitioner above named be released on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, NDPS Act, Vaishali at Hajipur in connection with Bhagwanpur P.S. Case No. 304 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify

the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed her criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

SONALI/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.