

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.25438 of 2021**

Arising Out of PS. Case No.-375 Year-2020 Thana- KADAMKUAN District- Patna

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URMILA DEVI Wife of Late Panchan Rai Resident of Village- Ranipur
Ganjpar, P.S.- Mehdiganj, District- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Tarkeshwar Nath Thakur, APP

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

2 23-09-2021 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.
Tarkeshwar Nath Thakur, learned APP for the State.

The petitioner in the present case is seeking regular
bail in connection with Special Case No. 134 of 2020 arising out
of Kadam Kuan P.S. Case No. 375 of 2020 registered for the
offences punishable under Section 20/22 of the NDPS Act. She
is in custody since 4.9.2020. She has no criminal antecedent.

Learned counsel for the petitioner submits that as per
the prosecution story, 1.500 grams ganja was recovered from the
jhola of the petitioner.

Learned counsel submits that the petitioner is innocent and has falsely been implicated in the present case. It is submitted that there is no recovery from the conscious possession of this petitioner.

The petitioner is in custody in connection with the present case since 4.09.2020 having no criminal antecedent.

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 as per the prosecution story 1.5 kg of ganja is said to have been recovered from the possession of the petitioner, the submission being that petitioner is a widow aged about 65 years and the quantity of the ganja is allegedly is much less than the commercial quantity, therefore, the rigors of Section 37 of the NDPS Act, 1985 would not be attracted, the petitioner is in jail in connection with this case since 4.9.2020, investigation against her is complete, in the circumstances, this Court directs release of the petitioner above named 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 Sessions Judge XVI, Patna in connection with Special Case No. 134 of 2020 arising out of

Kadam Kuan P.S. Case No. 375 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)

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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'.