

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51383 of 2021**

Arising Out of PS. Case No.-574 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Bijo Devi W/o- Mtihun Paswan R/o Village- New Sipahi Tola, P.S.- K. Hat
(Madhubani), District- Purnea.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrityunjay Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 29-11-2021 Heard both parties.

The petitioner seeks bail in K. Hat (Madhubani Top)
P.S. Case No. 574 of 2021 corresponding to Special Case No. 51
of 2021/CS No. 51 of 2021 (NDPS Act), registered for the
offence punishable under Sections 20(b)(ii), (c), 22(c) of the
NDPS Act.

As per the prosecution case, 1.830 KG of Ganja and
cigarette making device has been recovered from shop of this
petitioner.

It is submitted on behalf of the petitioner that nothing
has been recovered from conscious possession of this petitioner.
Petitioner is wife of shopkeeper and Ganja has been recovered
from the shop of her husband and she has got no knowledge
about the same. The recovered Ganja is of small quantity, as



such rigorous of Section 37 of the NDPS Act, would not be attracted. Mandatory provision of search and seizure has not been followed and petitioner is in custody since 28.06.2021 having clean antecedent.

Counsel for State vehemently opposed the prayer for bail.

Considering the facts aforesaid and the nature of allegation, I am not inclined to enlarge the petitioner above-named on bail. Accordingly, the same is rejected.

However, once charge is framed and trial commences, the petitioner shall be released on bail by the learned trial court on its own satisfaction and on the condition that petitioner will cooperate in disposal of trial and appear before the court, as and when required.

(Prabhat Kumar Singh, J)

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