

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2470 of 2021

Arising Out of PS. Case No.-85 Year-2019 Thana- PIPRAKOTHI District- East Champaran

ANWARA BIBI @ ANOWARA BIBI, aged about 24 years, Female, W/o
Saidul Miya, Resident of Village - Jarija Chhapat Chatar, P.S.- Sital Kharcha,
Distt.- Cooch Bihar, West Bangal.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Priyesh Kumar, Advocate.
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 26-07-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks from the date of restoration of normalcy.

Heard learned counsel for the petitioner and learned
A.P.P. for the State through Virtual mode.

The petitioner is apprehending her arrest in a case for
the offence registered under Sections 22 (B) of the N.D.P.S. Act
read with Sections 27(b)(ii) of the Drugs and Cosmetic Act.

The prosecution story, in brief, is that on 01.04.2019
as per oral direction of the Civil Surgeon, East Champaran,
Motihari and Letter No. 90 dated 01.04.2019 of the Assistant
Drugs Controller, Motihari, a team was constituted and the
informant Jemant Kumar Pandit, Drugs Inspector and other
officials went to Jeevdhara Petrol Pump situated on N.H.-28A



and on query, Abhishek Kumar Ranjan, S.H.O., Pipra Kothi, informed that on 01.04.2019 during the course of vehicle checking, one Wagon-R car bearing it's Registration No. WB 70D-2504 was seized on which in huge quantity intoxicant medicines were loaded and two persons, namely, Sri Nath Sah and Saidul Mian were arrested. The informant went to the place of occurrence and demanded papers with respect to the medicines from the arrested persons, who have failed to produce any paper with respect to the medicines. Accordingly, seizure list with respect to Wincirex Cough Syrup of 100 Ml (595+ 215) total 790 pieces made by M/S. Smilax Health Care Pvt. Ltd., was prepared.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. She has been made accused in the present case due to mistake of fact. There is no allegation of tampering with the witnesses alleged against the petitioner. 790 pieces of Cough Syrup is said to have been recovered from the car in question. The petitioner is said to be the owner of the car in question. The said car is run as public carrier. The petitioner is a lady. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the



alleged incident. There is no compliance of Section 100 Cr. P.C. and Sections 42 and 50 of the N.D.P.S. Act.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, let the petitioner above named, in the event of arrest or surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on her personal bond to the satisfaction of the learned C.J.M., East Champaran at Motihari, in connection with N.D.P.S. Case No. 33/19, arising out of Pipra Kothi P.S. Case No. 85/19, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) only with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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