

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10852 of 2021**

Arising Out of PS. Case No.-101 Year-2020 Thana- JADOPUR District- Gopalganj

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JAGO DEVI WIFE OF VIJAY KUMAR KUSHWAHA RESIDENT OF
VILLAGE- NARANJANA, P.S- JADOPUR, DISTRICT- GOPALGANJ

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Prakash Singh, Advocate
For the Opposite Party/s : Mr. Mrityunjay Kumar Gautam, APP.

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

2 14-06-2021 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. Mrityunjay Kumar Gautam, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Jadopur P.S. Case No. 101 of 2020 registered for the offences punishable under Sections 341, 353, 216, 34 of the Indian Penal Code and Section 8, 20 (B), (ii) (B) of the Narcotic Drugs and Psychotropic Substances Act (in short 'N.D.P.S. Act').

Learned counsel for the petitioner submits that as per the prosecution story total 7 kg 200 gms Ganja was recovered from the house of the petitioner where the police party had come to arrest accused Pappu Kumar Kushwaha in connection with Bishambharpur



P.S. Case No. 27 of 2020. It is further stated that Pappu Kumar Kushwaha the accused person including the petitioner herein started an altercation with the police personnel and as a result of their pushing and obstructing the police, the accused Pappu Kumar Kushwaha managed to escape.

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. The petitioner is in custody since 07.07.2020 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 it is submitted on behalf of the petitioner that the petitioner is a lady member of the family, as per allegation the police has got secret information that Pappu Kumar Kushwaha who is an accused in Bishambharpur P.S. Case No. 27 of 2020 had come to his house with arms and to arrest him, the police party reached there but he could not be arrested, in course of search of the house, recovery of 7.2 kg of Ganja has been made but from the FIR itself it is clear that the said seizure is not in accordance with Section 42 of the N.D.P.S. Act and the procedures required for such seizure of narcotics have not been followed, moreover, the quantity is less than the commercial quantity and the co-accused Sumitra Kumari and Ankita Kumari have already



been granted bail in Cr. Misc No. 8277 of 2021, this petitioner has remained in jail since 7.7.2020 and the investigation against her is complete, 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 1st Additional District and Sessions Judge-cum-Special Judge, NDPS Gopalganj in connection with Jadopur P.S. Case No. 101 of 2020, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) That such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) That such person shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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'.

