

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 6595 of 2020**

Arising Out of PS. Case No.-28 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- East Champaran

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ANJUM ARA KHATOON W/o Abdul Qadir Resident of Village- Jarar, P.S.-
Laukariya, District- West Champaran.

... .. Petitioner/s

Versus

1. The State of Bihar
2. The Union of India through the Secretary Deptt. of Internal Security
Narcotics Control Bureau-67 Kautilya Nagar, P.O- B.V College, Patna.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Baxi S R P Sinha, Sr Advocate with Mr Prithvi Nath Mishra, Advocate
For the State	:	Mr Pancha Nand Pandit, APP
For the Union of India	:	Ms Shail Kumari, CGC

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

13 01-11-2021 Heard learned senior counsel for the appellant;

learned Additional Public Prosecutor (for brevity, *APP*)

appearing for the State of Bihar as well as learned counsel for

the Union of India.

The petitioner has been apprehended with commercial
quantity of *Charas* which was tied in the middle portion of the
body. Recovery was to the tune of 3 kilograms.

Learned senior counsel, referring to the notice for
search under Section 50 of Narcotics Drugs and Psychotropic
Substances (for brevity, *NDPS*) Act, submits that consent was
obtained one day after the actual search took place.



To appreciate the submission, this Court has examined the notice for search which is part of Annexure 1 at page 22. The petitioner has put her Left Thumb Impression (for brevity, *LTI*) on the same and just below the LTI of the petitioner, the Deputy Commandant has put his signature with date (25.05.2018) which, as per same, is the date on which the search has taken place. In view thereof, the said submission, therefore, does not meet the requirements of Section 37 of NDPS Act so as to entitle the appellant for grant of bail, having regard to the fact that the commercial quantity has been recovered.

Learned APP and learned counsel for the Union of India have opposed the prayer for bail.

In view of the aforesaid facts, this Court is inclined to accept the submissions made by learned APP and learned counsel for the Union of India.

For the present, this Court is not inclined to allow the prayer for suspension of sentence and grant of bail to the petitioner. Prayer is rejected.

Learned senior counsel for the petitioner further submits that except framing of charge, there has been no progress in the trial.

In view thereof, this Court would observe that the



Court should proceed to dispose of the matter expeditiously,
without granting any undue adjournment or any unnecessary
delay.

(Madhuresh Prasad, J)

M.E.H./-

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