

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10104 of 2022

Arising Out of PS. Case No.-700 Year-2021 Thana- MAHUA District- Vaishali

Lalita Devi Wife Of Sakaldeo Ray R/O Village- Mahua Singh Ray, Ward
No.1, P.S.- Mahua, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar Singh

For the Opposite Party/s : Mr.Chandra Bhushan Prasad

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2 26-04-2022 Heard both parties.

The petitioner seeks bail in Mahua P.S. Case No. 700 of 2021, registered for the offence punishable under Sections 8, 20(b)(B), 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act.

As per the prosecution case, 64.370 Grams of Smack, and cash of Rs. 79,925/- have been recovered from house of this petitioner.

It is submitted on behalf of the petitioner that the recovered narcotic substance is less than commercial 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. Petitioner claims clean antecedent and she is in custody since 18.11.2021.



Learned APP however, vehemently opposed the prayer for bail and submitted that more than small quantity of narcotic substance has been recovered from possession of this petitioner.

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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