

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9860 of 2022

Arising Out of PS. Case No.-542 Year-2021 Thana- BUXAR District- Buxar

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SEEMA SINGH W/o Mousam Singh Resident of Village - Shanti Nagar,
Ward no.14, P.S.- Buxar (Town), Distt.- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Gupta, Advocate

For the Opposite Party/s : Mr. Rajendra Nath Jha, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 04-07-2022 Heard learned counsel appearing on behalf of the

petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Buxar
(Town) P.S. Case No. 542 of 2021 registered for the offence
under Sections 21, 22, and 27 Narcotic Drugs and Psychotropic
Substances Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 27.11.2021.

The allegation against the petitioner is to have in
possession of 18.19 gm of contraband i.e. Heroine.

Learned counsel appearing on behalf of the petitioner
submitted that from the seizer list, it cannot be said that



recovery has been made from the conscious physical possession of the petitioner. It has further been submitted that search and seizer, as per law provided under NDPS Act was not complied with. It has further been submitted that Section 37 of NDPS Act is not attracted with the present case, as the recovery is less than commercial quantity. It has further been submitted that the petitioner is involved in one case of similar nature, in which, she is on bail. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has already been submitted in this case, as such, there is chance of tampering with the evidence.

Learned APP, while opposing the prayer of bail, fairly conceded the fact that the alleged contraband i.e. heroine is less than commercial quantity.

Considering the facts and circumstances as mentioned above, as alleged contraband is less than commercial quantity, where petitioner is a lady coupled with the fact that charge-sheet has already been submitted in this case, let the petitioner, above named, is directed to be released on bail in connection with Buxar (Town) P.S. Case No. 542 of 2021 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Special



Judge, N.D.P.S. Act, Buxar, subject to the following conditions:

“(i) That petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which, the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) Accused/Petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner duly supported by the documents.

(iii) That one of the bailors shall be Anju Kumari, who is the sister of the petitioner and deponent of the present bail petition.”

(Chandra Shekhar Jha, J)

S.Katyayan/
R.S.Sen/-

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