

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14711 of 2022

Arising Out of PS. Case No.-126 Year-2021 Thana- DEHRI TOWN District- Rohtas

NOORNI BIBI @ NOORMI BIBI Wife of Abbas Miyan, R/o Village - Banki,
P.S.- Pipra, District - Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Deovind Kumar Singh, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 08-08-2022 Let the defect, if any, be removed within two weeks
from today.

Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Dehri (Muffasil) P.S. Case No. 126 of 2021 lodged under
Section 15 of the N.D.P.S. Act.

As per the prosecution, allegation is recovery of 38
kg. Of *Doda (Bhusa)* (poppy straw).

Learned counsel for the petitioner submits that
petitioner is innocent and a poor old lady aged about 55 years.
He further submits that section 37 of NDPS Act shall not create
barrier for the present petitioner due to the reason that the
quantity of NDPS material i.e. poppy straw is 38 kg., which is in

between small quantity and commercial quantity because the commercial quantity is 50 kg., whereas recovery of only 38 kg. He further submits that petitioner is in custody since 18.10.2021 and her antecedent is clean.

Learned counsel for the State opposes the prayer for bail.

In the present facts and circumstances of the case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.50,000/- (Rupees Fifty Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District & Sessions Judge-XVIth., Rohtas at Sasaram in connection with Dehri (Muffasil) P.S. Case No. 126 of 2021, subject to the conditions as laid down under Section 437(3) of Cr.P.C. with other following conditions:

A. The petitioner shall support in trial and shall appear physically before the lower court on each and every date fixed, in case of non-appearance for two consecutive dates without sufficient cause, shall resulted into cancellation of his bail bond.

B. One of the bailor shall be close relative who shall file affidavit before the court about his relation with the petitioner.

C. The petitioner shall file an affidavit at the time of furnishing of bail bond that he shall not involve in such criminal activity during the continuance of present bail bond, violation of this condition shall be resulted into cancellation of his present bail bond.

With this observation, the bail application stands allowed.

(Dr. Anshuman, J.)

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