

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33217 of 2021

Arising Out of PS. Case No.-546 Year-2020 Thana- BUXAR District- Buxar

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Asha Devi Wife Of Dadan Prasad Resident Of Village- Shanti Nagar Muhalla,
Chini Mill, Buxar, P.S.-Buxar (Town), Dist.- Buxar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anirudh Mishra, Adv

For the Opposite Party/s : Mr.A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

6 25-04-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 21,22,27 of N.D.P.S.Act.

On search, 44 small pudiya/sachet Heroine like intoxicating substance wrapped in white paper kept in black cloured plastic from hand of Asha Devi, petitioner to which on weighed from weighing machine of Investigation Kit is 10 Grams. On inquiry, nabbed lady told that she sells pudiya @ Rs. 50/-.

Learned counsel appearing for the petitioner submits



that the petitioner has falsely been implicated in the present case. He further submits that there is non-compliance of Section 50 of the N.D.P.S. Act. He further submits that it appears from the FIR as well as seizure list that only 10 Gms of Heroine was recovered from possession of the petitioner. He further submits that the recovered Heroine is less than commercial quantity and Section 37 of the N.D.P.S. Act has not come on the way to enlarge the petitioner on bail and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.12.2020.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner and submits that the F.S.L. Report confirms that the recovered article is Heroine. He further submits that petitioner carries one more case other than the present one.

Considering the aforesaid facts, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.25,000/- (Twenty Five Thousands) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Buxar (Town) Police Station Case No.546 of 2020, with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

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 his 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.

(Rajesh Kumar Verma, J)

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